WATER, ENGLAND

[*See* also Class 8 of the Classified List of Local Instruments printed at the end of this volume.]

The Underground Water (Controlled Areas) Regulations, 1949

1949 No. 881

Made - - - -	*6th May*, 1949
Laid before Parliament	*9th May*, 1949
Coming into Operation	*1st June*, 1949

M.H.108978.

The Minister of Health, in exercise of the powers conferred on him by section 14 of the Water Act, 1945(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Underground Water (Controlled Areas) Regulations, 1949, and shall come into operation on the first day of June, 1949.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

"the Act" means the Water Act, 1945;

"licence" means a licence under subsection (6) of section 14 of the Act.

(2) The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) An application for a licence shall be made to the Minister in the form set forth in the first schedule to these regulations or in a form substantially to the like effect approved by the Minister.

(2) The application shall be accompanied by an Ordnance Survey map on a scale of not less than six inches to one mile showing the location of the proposed works, or the existing works from which it is proposed to abstract water.

4.—(1) An applicant for a licence shall publish once at least in each of two successive weeks in one or more local newspapers, circulating in the locality in which the works concerned are, or are to be, situated a notice—

(*a*) stating the general effect of the application;

(*b*) specifying a place in or within a reasonable distance of the said locality where a copy of the application and of the map furnished to the Minister in accordance with paragraph (2) of regulation 3 of these regulations may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;

(*c*) stating that any person desirous of objecting to the application may do so by giving notice of his objection to the Minister in writing before the expiration of the said period;

and shall send to the Minister a copy of each newspaper in which the first-mentioned notice is published:

(a) 8 & 9 Geo. 6. c. 42. (b) 52 & 53 Vict. c. 63.

Provided that if an applicant for a licence requests the Minister to dispense with the requirements of this regulation, and the Minister is satisfied that there is no reasonable possibility, having regard to the location of the works or the proposed works or the quantity of water proposed to be abstracted, that other works for the abstraction of underground water will be adversely affected by the proposed abstraction, he may dispense with those requirements.

(2) These regulations shall have effect, in relation to an application as respects which the Minister dispenses with the requirements of this regulation, with the exceptions and modifications set out in the second schedule to these regulations.

5. Not later than the date on which notice is first published as aforesaid, the applicant shall serve a copy thereof on every local authority within whose district, and on any statutory water undertakers within whose limits of supply, the said works are, or are to be, situated.

6. The applicant shall, at the request of any person interested, furnish to him a copy of the application upon payment of such charge, not exceeding one shilling, as he thinks reasonable.

7.—(1) Any body on whom a notice is required to be served under regulation 5 of these regulations, and any other person affected by the application, may object to the granting of a licence to the applicant by giving to the Minister notice of objection in writing before the expiration of the twenty-eight days referred to in regulation 4 of these regulations.

(2) The Minister may require any body or other person who has made an objection to state in writing the grounds of the objection.

(3) If any objection is made in accordance with these regulations by any such body as aforesaid or by any other person appearing to the Minister to be affected by the application, and the objection is not withdrawn, the Minister, before granting a licence, shall either cause a local inquiry to be held, or afford to the objector an opportunity to appear before and be heard by a person appointed by him for the purpose:

Provided that if—

(*a*) after considering the grounds of an objection the Minister is satisfied that he is sufficiently informed, for the purpose of his decision on the objection, as to the matters to which the objection relates; or

(*b*) an objector fails within a reasonable time to state in writing the grounds of his objection;

the Minister may determine the application without a local inquiry or hearing in relation to that objection.

8. On the granting of a licence the Minister shall give to any person who has objected thereto in accordance with the provisions of these regulations and has not withdrawn his objection, notice of the granting and of any conditions attached to the licence which appear to him to affect that person.

9. If the Minister is satisfied, upon representations made by an applicant for a licence for the purposes of subsection (5) of section 14 of the Act, that it is necessary for the protection of existing underground works, whether waterworks or not, that such a licence should be granted without delay, he may dispense with compliance with the foregoing provisions of these regulations and grant to the applicant forthwith a temporary licence valid for a period not longer than three months.

10. A notice for the purposes of subsection (7) of section 14 of the Act shall be in the form set forth in the third schedule to these regulations or in a form substantially to the like effect approved by the Minister and shall

be accompanied by an Ordnance Survey map on a scale of not less than six inches to one mile showing the location of the proposed boring or other works.

11. The Underground Water (Controlled Areas) Regulations, 1946(a), are hereby revoked, without prejudice to anything duly done or suffered thereunder.

FIRST SCHEDULE

Form of Application for Licence

WATER ACTS, 1945 and 1948

Application for a licence to construct works or abstract water in an area to which section 14 of the Water Act, 1945, applies

1. Name and address of applicant.....
2. Location of proposed work, or of existing work which is proposed to be extended. (*a*) .....
3. Purpose for which the licence is desired. (*b*).....
4. Purpose for which the water is to be used.....
5. Technical details:
   (i) Estimated depth of the borehole or well; .....
   (ii) Diameter of the borehole or well; .....
   (iii) In the case of artesian supplies, the method proposed for controlling the flow from the borehole and for preventing leakage around the borehole lining; .....
   (iv) Type of apparatus proposed for measuring and recording the abstraction; .....
   (v) Other technical information (*c*) .....
6. (i) Maximum daily quantity of water to be abstracted (in gallons) (*d*) ....
   (ii) Proposed hours of pumping .....
7. Geological strata from which water is to be drawn e.g. Chalk, Greensand etc. .....
8. Whether any request for a supply has been made to the local statutory water undertakers, and, if so, with what result .....
9. Any further matters which the Minister is desired to take into account in considering the application .....

I hereby apply for a licence in accordance with the provisions of section 14 of the Water Act, 1945, and the regulations made thereunder for the purpose set out above, and declare that to the best of my knowledge the above particulars are true.

I request the Minister to dispense with publication of notices in local newspapers (Delete if not required—see Note (3).)

Signed.....

Authorised on behalf of

.....

Date ..... 19 ....

(a) S.R. & O. 1946 (No. 675) I, p. 2227.

Directions for filling in this form

(*a*) An Ordnance Survey map showing the situation of the proposed work to a scale of 6 in. to one mile must be enclosed.

(*b*) E.g. new borehole or well, extension of existing borehole or well, installation of new machinery, abstraction of water from work already constructed.

(*c*) A report should accompany this application, including information on such of the following matters as are applicable:—

Technical details of proposals for lining the borehole or well.

Length, size and direction of any proposed headings or adits.

Where existing works are to be extended, or fresh pumping machinery installed for the purpose of abstracting additional quantities of water, the quantity of water at present abstracted per day.

The above report need not be submitted in the first instance where the applicant requests the Minister to dispense with the publication of notices. (See Note (3).)

(*d*) Care should be taken to enter here the maximum daily quantity required to meet all needs (e.g. including, in the case of agricultural supplies, dairying, watering of stock and field supplies).

NOTES.—(1) Under section 45 of the Water Act, 1945, any person who for the purpose of obtaining any licence from the Minister knowingly makes any statement which is false in a material particular is liable to a heavy fine or imprisonment, or both.

(2) Under section 7 of the Water Act, 1945, any person who proposes to sink, for the purpose of searching for or abstracting water, a well or borehole intended to reach a depth of more than 50 feet below the surface, must give notice of his intention to the Committee of the Privy Council for Scientific and Industrial Research, and comply with the provisions of that section as regards the keeping of records and furnishing of information. Notice for this purpose should be addressed to The Director, Geological Survey and Museum, Exhibition Road, South Kensington, London, S.W.7.

(3) The Minister has power, under the Underground Water (Controlled Areas) Regulations, 1949, to dispense with newspaper notices, if requested by an applicant, if he is satisfied that there is no reasonable possibility, having regard to the location of the works or the proposed works or the quantity of water proposed to be abstracted, that other works for the abstraction of underground water will be adversely affected by the proposed abstraction. The provisions of those regulations apply, in a case where the Minister so dispenses with newspaper notices, in the modified form set out in the first schedule to those regulations. Service of notice on local authorities and statutory water undertakers is still required, and the modifications are concerned mainly with the time at which the period of 28 days for objections begins. The Minister will normally dispense with the publication of notices only in cases where the abstraction is comparatively small.

This form should be sent—

if the site of the works is in England, to the Secretary, Ministry of Health, Whitehall, London, S.W.1.

if the site of the works is in Wales or Monmouthshire, to the Welsh Board of Health, Cathays Park, Cardiff.

SECOND SCHEDULE

EXCEPTIONS AND MODIFICATIONS WHERE NEWSPAPER PUBLICATION OF NOTICE OF APPLICATION IS DISPENSED WITH

No. of regulation	Subject matter	Exception or modification
4	Publication of notices in local newspapers.	The regulation shall not apply.
5	Giving of notice to local authorities and statutory water undertakers.	The following provision shall be substituted:— 5. The applicant shall serve on every local authority within whose district, and on any statutory water undertakers within whose limits of supply, the works or the proposed works to which the application relates are, or are to be, situated a notice— (*a*) stating the general effect of the application; (*b*) specifying a place in or within a reasonable distance of the locality in which the works are, or are to be, situated where a copy of the application and of the map furnished to the Minister in accordance with paragraph (2) of regulation 3 of these regulations may be inspected free of charge at all reasonable hours during a period of twenty-eight days from the service of the notice; (*c*) stating that any notice of objection may be given to the Minister in writing before the expiration of the said period; and shall send a copy of the notice to the Minister.
7 (1)	Notice of objection.	The reference to the expiration of the period of twenty-eight days referred to in regulation 4 shall be construed as a reference to the expiration of the period of twenty-eight days from the service of the last notice to be served under regulation 5 as enacted in this schedule.

THIRD SCHEDULE

FORM OF NOTICE FOR PURPOSES OF SECTION 14 (7) OF THE ACT

WATER ACT, 1945

Underground Water (Controlled Areas) Regulations, 1949

Form of Notice of Intention to make a new boring for the purpose of searching for or extracting minerals in an area controlled under section 14 of the Act

I..... hereby give notice that.....

intend(s) on ..... 19 ..... to begin to make a new boring for the purpose of searching for or extracting minerals and declare that to the best of my knowledge the particulars below are true.

Signed.....

Authorised on behalf of

.....

Date..... 19 ....

1. Name and address of company/person for whom the boring is to be made.

2. Location of proposed boring (*a*).

3. Whether trial boring or permanent work.

4. Size and estimated depth of proposed boring and method of construction.

(*a*) An Ordnance Survey map showing the location on a scale not less than six inches to one mile must be enclosed.

NOTES.—Under section 45 of the Water Act, 1945, any person who in furnishing the above information knowingly or recklessly makes any statement which is false in a material particular is liable to a heavy fine or imprisonment, or both.

This form should be sent—

if the site of the works is in England, to the Secretary, Ministry of Health, Whitehall, London, S.W.1.

if the site of the works is in Wales or Monmouthshire, to the Welsh Board of Health, Cathays Park, Cardiff.

Given under the official seal of the Minister of Health this sixth day of May, nineteen hundred and forty-nine.

(L.S.)

Aneurin Bevan,
Minister of Health.

WATER, SCOTLAND

[*See* also Class 8 of the Classified List of Local Instruments printed at the end of this volume.]

1. *Adaptation and Modification of the Local Government (Scotland) Act*, 1947.

2. *Charging Orders*, p. 4729.

1. ADAPTATION AND MODIFICATION OF THE LOCAL GOVERNMENT (SCOTLAND) ACT, 1947

The Water (Adaptation and Modification of the Local Government (Scotland) Act, 1947) (Scotland) Regulations, 1949

1949 No. 1205 (S. 78)

Made - - - -	*25th June*, 1949
Laid before Parliament	*28th June*, 1949
Coming into Operation	*30th June*, 1949

In exercise of the powers conferred on me by section 20 of the Water (Scotland) Act, 1949,(a) I hereby make the following regulations :—

1.—(i) These regulations may be cited as the Water (Adaptation and Modification of the Local Government (Scotland) Act, 1947) (Scotland) Regulations, 1949, and shall come into operation on the 30th day of June, 1949.

(ii) The Interpretation Act, 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The provisions of Part XI of the Local Government (Scotland) Act, 1947(c) (which relate to the levy and collection of rates and to requisitions) shall, in their application to the public water rate and the domestic water rate levied under Part I of the Water (Scotland) Act, 1949, have effect subject to the adaptations and modifications specified in the next succeeding regulation and in the second column of the Schedule to these regulations.

3. In the application of the said Part XI of the Local Government (Scotland) Act, 1947, to the public water rate and the domestic water rate any reference in that Part—

(*a*) to that Act or to that Part thereof shall be construed as a reference to that Act or to that Part as adapted or modified by these regulations,

(*b*) to a "requisitioning authority" shall be construed as a reference to "a supplying authority" and the words "supplying authority" shall have the meaning assigned to them by subsection (1) of section 11 of the said Water (Scotland) Act, 1949.

(*c*) to a "joint water board" shall be construed as a reference to a joint water board as defined by subsection (1) of section 84 of the Water (Scotland) Act, 1946(d).

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
25th June, 1949.

(a) 12, 13 & 14 Geo. 6 c. 31.
(b) 52 & 53 Vict. c. 63.
(c) 10 & 11 Geo. 6 c. 43.
(d) 9 & 10 Geo. 6 c. 42.