

WATER SUPPLIES ACT 1942

LONG TITLE

An Act to make provision for the taking of supplies of water by sanitary authorities and to make provision for matters incidental thereto or connected therewith. [24th February, 1942.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:-

Definitions. 1.-(1) In this Act- the expression "the Minister" means the Minister for Local Government and Public Health; the expressions "sanitary authority" and "sanitary district" have respectively the same meanings as they have in the Public Health Acts, 1878 to 1931; the expression "source of water" means any lake, river, stream, well, or spring; the expression "ancillary operations" means any of the following operations, that is to say, the embanking, damming, dredging, deepening, widening, straightening, diverting, altering the level of, or otherwise affecting a source of water or any lake, pond, river, canal, or other water connected directly or indirectly with a source of water; the word "proposal" means a proposal under section 2 of this Act either (as the case may require) in its original form or as altered under this Act; the word "prescribed" means prescribed by regulations made under this Act. (2) For the purposes of this Act, the damage caused to any person by the taking of a supply of water under a proposal means the total loss suffered by such person by either or both of the following, that is to say:- (a) reduction caused by such taking of a supply of water in the value of any estate, interest, or right in or in respect of land had or exercised by such person on the date of the coming into force of such proposal, (b) damage caused by such taking of a supply of water to a trade, business, or profession carried on by such person on the said date. (3) For the purposes of this Act, a company registered under the Companies Acts, 1908 to 1924, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

Power of making proposal to take a supply of water. 2.-Whenever a sanitary authority desire to take from a source of water (whether within or without their sanitary district) a supply of water for the purpose of increasing, extending, or providing a supply of water under the Public Health Acts, 1878 to 1931, they may make, under and in accordance with this Act, a proposal for so taking such supply of water from such source of water.

Statements to be included in proposal. 3.-(1) Every proposal shall state- (a) the source of water from which the supply of water is proposed to be taken; (b) the place or places at which the supply of water is proposed to be taken; (c) in respect of every place at which water is proposed to be taken, whether the whole or part only of the water at such place is proposed to be taken; (d) where part only of the water at a place is proposed to be taken, the maximum rate at which it is proposed to be taken; (e) where part only of the water at a place is proposed to be taken and the source of water is a lake, the estimated lowest summer level of the lake and sufficient particulars of the method by which it is proposed to take the water to enable a reasonable estimate to be made of the effect of such taking on the level of the lake; (f) where part only of the water at a place is proposed to be taken and the source of water is not a lake, the estimated minimum quantity of water flowing past such place in the summer during any continuous period not exceeding one day; (g) where the proposal involves the carrying out of any ancillary operations, particulars of such operations, and (h) all such other (if any) matters and things as may be prescribed. (2) The following provisions shall have effect in respect of every statement in pursuance of this section of the maximum rate at which water is proposed to be taken at any place, that is to say:- (a) one rate only may be stated or different rates may be stated for different parts of the year, and (b) such one rate or each of such different rates shall be stated by specifying the maximum quantity of water proposed to be taken during any continuous period not exceeding one year.

Procedure consequent upon making of proposal. 4.-(1) Whenever a sanitary authority have made a proposal they shall do the following things, that is to say:- (a) take all reasonable steps to ascertain the persons (if any) to whom damage may be caused by the taking of water in accordance with the proposal and estimate as nearly as may be the amount of every (if any) such damage, and (b) prepare in duplicate a list (in this Act referred to as the book of reference) showing, in respect of every person ascertained under the immediately preceding paragraph and whose name and address of ordinary residence are ascertainable by reasonable inquiry, such name and address, and (c) deposit for inspection one copy of the proposal and one copy of the book of reference, and (d) give to every person whose name appears in the book of reference as a person to whom damage may be caused a written notice conforming with this section of the proposal, and (e) publish a notice conforming with this section of the proposal in a newspaper circulating in any sanitary district in which is situate any place at which water is proposed to be taken. (2) Every notice

which is given or published by a sanitary authority in pursuance of the foregoing sub-section of this section shall contain- (a) a statement of the proposal to which such notice relates, and (b) a statement of the place at which the book of reference in relation to such proposal may be inspected, and (c) in the case of a notice given to a person, a statement that such person may make objection to such proposal by giving to the sanitary authority before, but not after, a specified date (not being earlier than one month after the date on which such notice is given to such person) a statement in writing of such objection and the grounds thereof, and (d) in the case of a notice published in a newspaper, a statement that any person (including a sanitary authority) whose name does not appear in the said book of reference but who is aggrieved by such proposal may make objection to such proposal by giving to the sanitary authority before, but not after, a specified date (not being earlier than one month after the publication of such notice in accordance with this section) a statement in writing of such objection, and the grounds thereof, and (in any case) (e) a statement that if either no objection is duly made to such proposal or if every such objection so made is withdrawn, such proposal shall be deemed to have been agreed to and the sanitary authority will be empowered to take a supply of water in accordance with such proposal, and (f) a statement that if any objection to such proposal is duly made and is not withdrawn, the sanitary authority will apply to the Minister for a provisional order declaring that such proposal may come into force, and (g) a statement that, in the event of the sanitary authority being empowered to take a supply of water in accordance with such proposal, compensation will be payable in respect of the damage (if any) caused to any person by the taking of such supply of water. (3) Where particulars of any ancillary operations are stated in a proposal, such particulars may be omitted from the notices under the first sub-section of this section of such proposal, but there shall be included in each of those notices which in pursuance of the said sub-section is given to any person a summary of such ancillary operations together with a statement that particulars of such ancillary operations are included in the copy of such proposal deposited for inspection with the book of reference. (4) A notice given by a sanitary authority to a person in pursuance of the first sub-section of this section may, if the sanitary authority so thinks fit, contain an offer from the sanitary authority to such person of a specified sum of money by way of compensation for the damage in respect of which such person's name appears in the relevant book of reference.

Deposit of proposal and book of reference. 5.-Whenever copies of a proposal and book of reference are required by this Act to be deposited for inspection by the sanitary authority making such proposal, such copies- (a) shall be deposited in the principal office of such sanitary authority or in some other convenient place to which the public have access not later than whichever of the following dates is the earlier, that is to say, the first date on which notice of such proposal is given to any person in pursuance of this Act or the date on which notice of such proposal is published in pursuance of this Act, and (b) shall be kept so deposited until either such proposal has come into force and the period within which application may be made for compensation in respect thereof has expired or such proposal has been abandoned, and (c) may, while so deposited, be inspected (including the taking of a copy of the whole or any part thereof) free of charge in the said office or other place by any person claiming to be interested during any time while such office or other place is open for the transaction of public business.

Objections to proposal. 6.- (1) Any person whose name appears in a book of reference may make an objection to the proposal to which such book of reference relates by delivering to the sanitary authority making such proposal before, but not after, the date specified in that behalf in the notice given to such person by such sanitary authority in pursuance of this Act a statement in writing of such objection and the grounds thereof. (2) Any person who is aggrieved by a proposal and whose name does not appear in the book of reference relating to such proposal may make an objection to such proposal by delivering to the sanitary authority making such proposal before, but not after, the date specified in that behalf in the notice of such proposal published by such sanitary authority in pursuance of this Act a statement in writing of such objection and the grounds thereof. (3) Without prejudice to the right of any person who is in fact aggrieved by a proposal to make, under the next preceding sub-section of this section, an objection to such proposal, each of the following persons (not being a person whose name appears in the book of reference relating to such proposal) shall be deemed to be a person aggrieved within the meaning of that sub-section by such proposal and to be entitled to make an objection thereto under the said sub-section, that is to say:- (a) any person who is a rated occupier of property in the sanitary district of the sanitary authority making such proposal, and (b) any other sanitary authority.

Agreed proposal. 7.-For the purposes of this Act, a proposal shall be deemed to have been agreed to if either no objection is duly made to such proposal or every objection duly made to such proposal is withdrawn.

Application for provisional order. 8.- (1) Where one or more objection or objections to a proposal has or have been duly made, the sanitary authority making such proposal may (unless such objection or all such objections is or are withdrawn) apply to the Minister for a provisional order declaring that such proposal may come into force. (2) Every application under this section by a sanitary authority for a provisional order shall be accompanied by- (a) one copy of the proposal in respect of which such application is made, and (b) one copy of the book of reference relating to such proposal, and (c) one copy of each of the objections which have been duly made to such proposal and have not been withdrawn, and (d) a certificate in the prescribed form signed by the principal officer of such sanitary authority

certifying that the said copies are true copies and that the procedure required by the foregoing provisions of this Act has been duly carried out, and (e) any other documents which may be prescribed.

Functions of Minister in relation to application for provisional order. 9.-Whenever an application for a provisional order is made under this Act, the Minister shall consider such application and shall do such one of the following things as he shall think proper, that is to say:- (a) refuse such application, or (b) make a provisional order in accordance with such application, or (c) alter the proposal which is the subject of such application in such one or more of the following ways as he shall think proper, that is to say, by reducing, as he shall think proper, any maximum rate stated in such proposal or by inserting such restrictions or conditions as he shall think proper on or in respect of the proposed taking of a supply of water or on or in respect of the ancillary operations specified in such proposal and then make a provisional order in respect of such proposal as so altered.

Making and confirmation of provisional order. 10.- (1) Sections 209, 210, 212, 213, paragraphs (1), (2), and (7) of section 214, and section 215 of the Public Health (Ireland) Act, 1878, and sub-section (2) of section 5 of the Public Health Acts Amendment Act, 1907, shall have effect as if herein reenacted in relation to provisional orders under this Act. (2) Where a sanitary authority have undertaken or are about to undertake work for the purpose of increasing, extending, or providing a supply of water under the Public Health Acts, 1878 to 1931, and such work is a certified work for the purposes of the Unemployment (Relief Works) Act, 1940 (No. 34 of 1940), a provisional order under this Act in respect of a proposal to take water for the purposes of such increase, extension, or provision (as the case may be) may be confirmed by the Minister at the same time as such order is made. (3) Section 68 of the Local Government Act, 1925 (No. 5 of 1925), shall apply and have effect in relation to the confirmation of every provisional order under this Act which is not confirmed under the immediately preceding sub-section of this section and in relation to such provisional order when confirmed, but with and subject to the following modifications that, is to say:- (a) the rules set out in the Schedule to this Act shall be substituted for the rules set out in the Sixth Schedule to the Local Government Act, 1925, (b) a reference to the requirements of this Act shall be substituted for the reference to the requirements of the Local Government Act, 1925, and (c) a reference to this Act shall be substituted for the reference to the Public Health (Ireland) Acts, 1878 to 1919, or the Local Government (Ireland) Act, 1898, as the case may be.

Coming into force of proposal. 11.- (1) Whenever a sanitary authority has made a proposal and either such proposal has been agreed to or a provisional order in respect of such proposal, has been confirmed, such sanitary authority may publish in a newspaper circulating in any sanitary district in which is situate any place at which a supply of water is to be taken under such proposal a notice specifying the date (not being earlier than one week after the publication of such notice) on which such proposal will come into force and stating that any person (not being a person whose name appears in the book of reference relating to such proposal) who claims that damage has been or will be caused to him by the taking of a supply of water under such proposal may, at any time before, but not after, the expiration of two years from the said date specified in such notice for the coming into force of such proposal, apply in writing to the said sanitary authority for compensation in respect of such damage. (2) When a sanitary authority has become entitled under the foregoing sub-section of this section, to publish and has duly published such notice as is mentioned in that sub-section, the proposal to which such notice relates shall come into force on the date specified in that behalf in such notice.

Notices of coming into force of proposal. 12.-As soon as may be after a sanitary authority has published a notice specifying the date on which a proposal made by such sanitary authority will come into force, such sanitary authority shall give to every person whose name appears in the book of reference relating to such proposal a notice in writing informing him of the said date on which such proposal will come into force and informing him that he may, at any time before, but not after, the expiration of one year from that date, apply in writing to such sanitary authority for compensation in respect of the damage which has been or will be caused to him by the taking of a supply of water under such proposal.

Power to take supply of water, etc. 13.- (1) When a proposal made by a sanitary authority has come into force, it shall be lawful for such sanitary authority- (a) to take in accordance with such proposal a supply of water from the source of water to which such proposal relates, and (b) to use such supply for the purpose of increasing, extending, or providing under the Public Health Acts, 1878 to 1931, a supply of water, and (c) where particulars of any ancillary operations are stated in such proposal, to execute, on any land acquired by such sanitary authority either before or after such proposal comes into force or on any other land with the consent of the owner any works which are necessary for the purpose of such ancillary operations. (2) The powers conferred on a sanitary authority by sub-section (1) of this section may be exercised- (a) notwithstanding anything contained in section 286 of the Public Health (Ireland) Act, 1878, and (b) notwithstanding any right of any person to prevent or restrict the exercise of such powers, and (c) notwithstanding that such sanitary authority has not acquired the right of any person to the use of the water in the

relevant source of water or to the uninterrupted flow of water from such source of water into or through any watercourse, whether natural or artificial,

Compensation. 14.-(1) When a proposal made by a sanitary authority has come into force every person to whom damage has been or will be caused by the taking of a supply of water under such proposal shall, on making application in writing therefor under this section, be entitled to be paid by such sanitary authority as compensation the amount of such damage. (2) An application under this section for compensation by a person whose name appears in the book of reference relating to the proposal in respect of which the compensation is claimed shall not be made after the expiration of one year from the date on which such proposal comes into force. (3) An application under this section for compensation by a person whose name does not appear in the book of reference relating to the proposal in respect of which the compensation is claimed shall not be made after the expiration of two years from the date on which such proposal comes into force. (4) Sections 69 to 74 and 78 to 80 of the Lands Clauses Consolidation Act, 1845, shall apply in relation to compensation payable under this section and for the purpose of such application the sanitary authority by whom such compensation is payable shall be deemed to be the promoters of the undertaking.

Determination of compensation in default of agreement. 15.-(1) Every application under this Act to a sanitary authority for compensation shall, in default of agreement, be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925), in like manner in all respects as if such application were made in respect of the compulsory acquisition of land and such compensation were the price of land compulsorily acquired, but subject to the subsequent provisions of this section. (2) The following provisions shall apply and have effect in relation to every arbitration held by virtue of the foregoing sub-section of this section to determine an application for compensation under this Act, that is to say:- (a) the arbitrator shall have jurisdiction to determine whether compensation is, in the circumstances, payable at all; (b) the fact (if it exists) that the name of the applicant is included in the relevant book of reference shall not preclude the sanitary authority from contending that compensation is, in the circumstances, not payable at all; (c) if the arbitrator determines that compensation is payable, he shall have jurisdiction to determine the amount of such compensation and the time or times at which it shall be paid, and also jurisdiction to determine whether such compensation shall be paid in one sum or by instalments and, in the latter case, the number, amount, and times of payment of such instalments and the provision, if any, to be made for payment of interest on the amount of such compensation for the time being outstanding or unpaid; (d) when determining the amount of such compensation, the arbitrator shall have regard to any undertaking given by the sanitary authority to provide an alternative or additional water supply.

Interest on compensation. 16.-(1) Subject to the provisions of the next sub-section of this section, a sanitary authority shall pay to every person to whom compensation is payable under this Act interest on the amount (when determined) of such compensation at the rate of four pounds per cent. per annum from the date on which the taking of a supply of water under the relevant proposal begins until the date of determination of such compensation. (2) Where- (a) a sanitary authority makes an unconditional offer in writing of any amount as compensation to any person under this Act, and (b) the amount which the arbitrator determines to be payable as such compensation does not exceed the amount so offered, no interest shall be payable under this section on such compensation in respect of any period after the date of such offer.

Power of a sanitary authority to enter on land. 17.-(1) Any officer or agent of a sanitary authority who is duly authorised in that behalf by such sanitary authority may, subject to the provisions of this section, enter on any land at all reasonable times for either of the following purposes, that is to say:- (a) ascertaining whether an adequate supply of water can conveniently be taken from a particular source of water; (b) repairing or maintaining any pipes, conduits or other works which are used by such sanitary authority for the purposes of a supply of water. (2) A person entering on land under the foregoing sub-section of this section may do on such land all such things as are reasonably necessary for the purpose for which such entry was made and, in particular, may survey, make plans, take levels, set up gauges to record the flow of water, make excavations, and examine the depth and nature of the subsoil. (3) Save for the purpose of carrying out urgent repairs, no person shall enter on any land under this section between the hours of 6 p.m. on any day and the hour of 9 a.m. on the following day. (4) Before any person enters on any land under this section for a purpose other than the carrying out of urgent repairs, the sanitary authority on whose authority such entry is proposed to be made shall either obtain the consent (in the case of occupied land) of the occupier or (in the case of unoccupied land) the owner or shall cause not less than fourteen days' notice in writing of the intention to make such entry to be given to such occupier or such owner (as the case may be). (5) Any person to whom a notice of intention to enter on land has been given under the next preceding sub-section of this section may, not later than fourteen days after the giving of such notice, apply to the justice of the District Court having jurisdiction in the district in which such land is situate, on notice to the sanitary authority by whom or on whose behalf such notice was given, for an order prohibiting the said entry on such land, and, upon the hearing of such application, such justice may, if he so thinks proper, either

wholly prohibit such entry on such land or specify conditions to be observed by the person making such entry. (6) Where a justice of the District Court prohibits under the next preceding sub-section of this section a proposed entry on land, it shall not be lawful for any person to enter on such land under this section, and where a justice of the District Court specifies under the said next preceding sub-section of this section conditions to be observed by persons entering on land under this section, every person who so enters on such land shall observe the conditions so specified. (7) Any person who suffers damage by anything done on any land under this section and, within one month after such thing is done, makes to the sanitary authority on whose authority such land was entered under this section a claim for compensation in respect of such damage, shall be entitled to be paid by such sanitary authority reasonable compensation for such damage and to recover such compensation (when the amount thereof has been agreed upon or has been determined under the next following sub-section of this section) from such sanitary authority in any court of competent jurisdiction as a simple contract debt. (8) In default of agreement, the amount of any compensation payable by a sanitary authority under the next preceding sub-section of this section shall, if the amount claimed in respect thereof does not exceed twenty pounds, be determined by the District Court or, in any other case, be determined by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919 (as amended by subsequent enactments) as if such compensation were the price of land compulsorily acquired. (9) Every person who shall, by act or omission, obstruct an officer or agent of a sanitary authority in the lawful exercise of the powers conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds together with, in the case of a continuing offence, a further fine not exceeding one pound for every day on which the offence is continued. (10) In this section, the expression "urgent repairs" means repairs the immediate carrying out of which is necessary to prevent a stoppage or diminution of the relevant supply of water or to prevent serious injury to persons or property.

Giving of notices and copies of orders. 18.-For the purposes of this Act, a notice or a copy of an order may be given to a person in any of the following ways, that is to say:- (a) by delivering it to such person, (b) by leaving it at the address where such person ordinarily resides or, in the case of an objector to a proposal, at his address as stated in his objection, or (c) by sending it by post in a prepaid registered letter addressed to such person at the address where he ordinarily resides or, in the case of an objector to a proposal, at his address as stated in his objection.

Protection of existing water supplies. 19.-(1) Where, immediately before the passing of this Act, a sanitary authority was taking water from a source of water for the purposes of a water supply provided by them under the Public Health Acts, 1878 to 1931, such sanitary authority may, after the passing of this Act, continue to take water from such source of water at the place, by the method, and in the quantity at, by, and in which they were so taking water immediately before the passing of this Act. (2) Nothing in this section shall prejudice or affect the right of any person to recover damages from a sanitary authority for any wrongful interference before the passing of this Act by such sanitary authority with the property of such person or for any interference after the passing of this Act by such sanitary authority with the property of such person which, but for this section, would be wrongful interference.

Prevention of interference with flow of water and pollution. 20.-Where a sanitary authority is empowered by virtue of this Act to take a supply of water from a source of water at any place, such sanitary authority shall have the same rights to prevent interference with the flow of water in, from, or to such source of water and to prevent pollution of the water in such source of water as an owner of land at such place contiguous to such source of water.

Protection of navigable rivers and canals. 21.-(1) In this section- the expression "navigable water" means any river or canal on which any person is, by virtue of any enactment, entitled to navigate or in respect of the navigation on which any person is, by virtue of any enactment, entitled to receive tolls or dues, and the expression "navigation authority" means, in relation to any navigable water, the person entitled to navigate thereon or to receive tolls or dues in respect of navigation thereon. (2) Nothing in this Act shall be construed as entitling a sanitary authority to take water in such manner, or from such source of water, or of such amount as to make the navigation of any navigable water impossible or unreasonably difficult. (3) Where a sanitary authority make a proposal, they may at any time, whether before or after such proposal comes into force, give to the navigation authority of any navigable water written notice of such proposal. (4) Where the navigation authority of any navigable water is given by a sanitary authority notice under sub-section (3) of this section in relation to any proposal, such navigation authority may, before (but not after) the expiration of twenty-one days from the giving of such notice, give written notice (in this section referred to as an interference notice) to such sanitary authority that such navigation authority are of opinion that the taking of water in accordance with such proposal makes or will make the navigation of such navigable water impossible or unreasonably difficult and shall include in the interference notice a statement of their reasons for being of that opinion. (5) Where a navigation authority has given an interference notice to a sanitary authority in relation to any proposal, such sanitary authority may alter such proposal by reducing the amount of water to be taken thereunder and- (a) if such proposal had come into force before such notice was given, it shall continue in force as so altered and this Act shall apply accordingly, and (b) if such proposal had not come into force before such notice was given, anything done in relation to such proposal in

compliance with this Act by such sanitary authority before the giving of such notice shall be deemed to have been so done in respect of such proposal as so altered and this Act shall apply accordingly. (6) A sanitary authority to whom an interference notice relating to any proposal has been given by a navigation authority shall consider the objections of such navigation authority to such proposal and shall negotiate with such navigation authority for the withdrawal of the interference notice. (7) Where a navigation authority gives an interference notice, such navigation authority may at any time withdraw such notice by giving written notice in that behalf to the relevant sanitary authority. (8) A sanitary authority to whom an interference notice relating to any proposal has been given may apply to the High Court for the annulment of such notice and, if the High Court on such application is of opinion that the taking of water in accordance with such proposal does not make or will not make the navigation of the relevant navigable water impossible or unreasonably difficult, the High Court shall annul such notice. (9) Where notice of a proposal has been given under sub-section (3) of this section to a navigation authority and either such navigation authority has not within twenty-one days after the giving of such notice given an interference notice in relation to such proposal or any such notice so made has been annulled by the High Court or withdrawn, it shall not be open to such navigation authority to contend in any court that the taking of water in accordance with such proposal makes or will make the navigation of the relevant navigable water impossible or unreasonably difficult.

Borrowing. 22.-A sanitary authority may, for the purpose of defraying expenses incurred by them under this Act, borrow under the Public Health Acts, 1878 to 1931, as if such purpose were a purpose for which such authority is authorised to borrow under those Acts.

Expenses of sanitary authority. 23.-Any expenses incurred by a sanitary authority under this Act for the purpose of increasing, extending, or providing a supply of water under the Public Health Acts, 1878 to 1931, shall be raised and defrayed as part of the expenses incurred by such sanitary authority under the said Acts for the said purpose.

Expenses of the Minister. 24.-The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Regulations. 25.-The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed.

Short title. 26.-This Act may be cited as the Water Supplies Act, 1942.

SCHEDULE RULES FOR CONFIRMATION OF PROVISIONAL ORDERS. 1. A copy of the provisional order shall, with all convenient speed, be given by the sanitary authority making the relevant proposal to every person who duly made an objection to such proposal, together with a statement that the provisional order may be confirmed unless a petition praying that the provisional order shall not become law without further inquiry is presented to the Circuit Court by any of such objectors within a period of five weeks from the date when such copy was given to him. 2. Any such objectors may, before (but not after) the expiration of five weeks from the date when such copy of the provisional order was given to him, present to the Circuit Court the petition mentioned in the next preceding rule. 3. A copy of every petition in relation to the provisional order presented under these Rules shall be sent by an officer of the court to the Minister, and, if any such petition is withdrawn notice of the withdrawal shall also be so sent. 4. Every petition in relation to the provisional order which is presented under these Rules and is not withdrawn shall be heard at the first sitting of the court held after the expiration of one week from the date when such petition was presented or of (where a period is prescribed) the prescribed period, or at such later date as the court may direct, and upon such hearing the court may either confirm or disallow the provisional order. 5. Where no petition in relation to the provisional order is presented under these Rules, or where every such petition is withdrawn, the Minister may, without further inquiry, confirm the provisional order. 6. When confirming the provisional order, the court or the Minister (as the case may be) may either confirm the provisional order without amendment or make any alteration in the relevant proposal which the Minister could have made when making the provisional order and amend the provisional order so as to relate to such proposal as so altered and confirm the provisional order as so amended. 7. The jurisdiction conferred on the Circuit Court by these Rules shall be exercised by the judge thereof having jurisdiction in the circuit in which is situate the place at which a supply of water is to be taken under the relevant proposal.