ELIZABETH II



1967 CHAPTER xxv

An Act to empower the Metropolitan Water Board to construct works and to acquire lands; and for other purposes. [21st July 1967]

WHEREAS the Metropolitan Water Board (hereinafter referred to as "the Board") were established by the Metropolis Water Act, 1902, and are charged with the duty of supplying water within an area which comprises the greater part of Greater London and parts of the counties of Surrey, Kent, Essex and Hertford: 1902 c. 41.

And whereas for the purpose of ensuring that the Board shall continue to be in a position to meet the demands made upon them for the supply of water it is expedient in the public interest that the Board should be empowered to construct the service reservoir and other works described in this Act:

And whereas the site of the said service reservoir and of certain other works forms part of Epping Forest:

And whereas Epping Forest is subject to the regulation and management under and in accordance with the Epping Forest Acts, 1878 and 1880, of the Corporation of London acting as the Conservators of Epping Forest (hereinafter referred to as "the conservators"):

And whereas the Board have consulted the conservators before formulating the scheme of works authorised by this Act:

And whereas it is expedient for the purposes of the said works and for other purposes of their undertaking that the Board should be authorised to acquire lands and easements and rights over or in lands as in this Act provided:

And whereas it is expedient that, in exchange for the lands forming part of Epping Forest which may be acquired by the Board under this Act, the Board should be authorised and required to convey to the conservators certain other lands belonging to the Board of an approximately equivalent area and that such lands should be added to and form part of Epping Forest:

And whereas the purposes of this Act, in so far as they relate to Epping Forest, are of benefit to the public and to those entitled to exercise rights of common within Epping Forest:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Board:

And whereas it is expedient that the other provisions in this Act should be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas estimates have been prepared for and in connection with the purposes hereinafter mentioned and such estimates are as follows:—

	£
The construction of the service reservoir and other works authorised by Part II (Works and lands) of this Act	500,000

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas a plan and sections showing the lines and levels of the works by this Act authorised, such plan showing also the lands which may be acquired or used compulsorily under the powers of this Act and for the purposes of this Act, together with a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the

Private Bill Office of the House of Commons, with the clerk of the Greater London Council and with the town clerk of the London borough of Waltham Forest and such plan, sections and book of reference are respectively referred to in this Act as the deposited plan, sections and book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

PART I
PRELIMINARY

1. This Act may be cited as the Metropolitan Water Board Act 1967. **Short title.**

2. This Act is divided into Parts as follows:— **Division of Act into Parts.**

Part I.—Preliminary.
Part II.—Works and lands.
Part III.—Miscellaneous provisions.
Part IV.—General.

3.—(1) Part I of the Compulsory Purchase Act, 1965, other than the excepted provisions, in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to any compulsory purchase under this Act. **Application of enactments.** **1965 c. 56.**

(2) The provisions of the Compulsory Purchase Act, 1965, as so applied, shall have effect as if—

(*a*) this Act were the special Act and the Board were the acquiring authority;

(*b*) references to the compulsory purchase order were references to this Act;

(*c*) in subsection (1) of section 11 of the said Act of 1965 for the words "fourteen days'" there were substituted the words "three months'";

(*d*) in subsection (3) of the said section 11 after the word "purchase" there were inserted the words "or over or in which easements and rights may be compulsorily acquired" and for the words "not less than three nor more than fourteen days' notice" there were substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry".

(3) In this section "the excepted provisions" means the following provisions of the Compulsory Purchase Act, 1965, namely, sections 4, 21 and 27 and paragraph 3 (3) of Schedule 3.

PART I —*cont.*

(4) Sections 6, 83, 85, 86, 87 and 94 of Schedule 3 to the Water Act, 1945, shall apply to the undertaking for the purposes of this Act.

1945 c. 42.

Interpretation.

4.—(1) In this Act the following words and expressions have the several meanings assigned to them respectively unless there be something in the subject or context repugnant to such construction, that is to say:—

" authorised securities " means any mortgages, stock, bonds, bills or other securities which the Board are for the time being authorised to grant, create or issue or upon or by means of which the Board are for the time being authorised to raise money;

" the Board " means the Metropolitan Water Board;

" the conduits " means Works Nos. 3 and 4;

" the conservators " means the Corporation of London, acting by the mayor, aldermen and commons of the said city in common council assembled, as the Conservators of Epping Forest;

" enactment " includes an enactment in this Act and in any general, local, private or personal Act, any Provisional Order confirmed by an Act and any regulation, rule, order or byelaw made under an Act;

" the Epping Forest enactments " means the Epping Forest Acts, 1878 and 1880, and all regulations, rules, orders and byelaws made under those Acts;

" the green lands " means the lands belonging to the Board shown coloured green on the deposited plan;

" the Minister " means the Minister of Housing and Local Government;

" the pink lands " means the lands mentioned in subsection (1) of section 11 (Power to acquire lands) of this Act;

" the relevant date " means the date on which Works Nos. 1, 3 and 4 are completed, such date to be certified by the chief engineer of the Board or 1st October, 1974, whichever date is the earlier;

" statutory borrowing power " means any power, whether or not coupled with a duty, of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity, rentcharge, rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment but does not include the power to borrow by way of temporary loan or overdraft conferred by paragraph (*a*) of subsection (1) of section 215 of the Local Government Act, 1933;

1933 c. 51.

PART I —*cont.*

" statutory securities " means any securities in which trustees are for the time being authorised by law to invest trust moneys and any mortgages, bonds, debentures, debenture stock, stock or other securities created by a local authority as defined by section 34 of the Local Loans Act, 1875, but does not include annuities, rentcharges or securities transferable by delivery; 1875 c. 83.

" the undertaking " means the undertaking of the Board as for the time being authorised;

" the water fund " means the water fund established by the Board under the Metropolis Water Act, 1902; 1902 c. 41.

" the works " means the works authorised by Part II of this Act;

" year " means the year commencing on 1st April;

" the yellow lands " means the lands forming part of Epping Forest shown coloured yellow on the deposited plan.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Act.

(3) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

PART II

WORKS AND LANDS

Power to construct works.

5.—(1) Notwithstanding anything in any other enactment, but subject to the provisions of this Act, the Board may construct and maintain in the lines and situations and upon, in or under the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited sections the following works in the London borough of Waltham Forest:—

Work No. 1 A service reservoir on the northern side of Forest Road;

Work No. 2 An access way commencing at the northerly boundary of Forest Road and terminating at the service reservoir (Work No. 1);

PART II —*cont.*

Work No. 3 A conduit under Forest Road commencing by a shaft on the site of the service reservoir (Work No. 1) and terminating by a shaft in the existing Woodford works of the Board;

Work No. 4 A conduit under Forest Road commencing by a shaft on the site of the service reservoir (Work No. 1) and terminating by a shaft on the green lands.

(2) In constructing and maintaining so much of either of the conduits as is to be situate under Forest Road the Board shall not break open the surface of Forest Road or interfere with any drains, sewers, mains, pipes, lines, wires or apparatus therein or thereunder.

(3) Notwithstanding anything in section 10 (Period for completion of works) of this Act, as from the date on which the Board enter upon the pink lands or any part thereof for the purpose of constructing the works, the works shall be proceeded with and completed as soon as is reasonably practicable.

Subsidiary works.

6. In addition to the works authorised by section 5 (Power to construct works) of this Act, the Board may upon, in or under the lands shown on the deposited plan and within the limits of deviation for the works construct or place and maintain all such conduits, pipes, culverts, overflows, machinery, plant, electric lines, works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the works or the undertaking:

Provided that—

(*a*) any electric lines, works and apparatus constructed or placed and maintained under the provisions of this section shall not be constructed, placed, maintained or used so as to interfere with any telegraphic line (as defined by the Telegraph Act, 1878) belonging to or used by the Postmaster General or with telegraphic communication by means of any such line;

1878 c. 76.

(*b*) no machinery or plant shall be placed or maintained under the provisions of this section upon the surface of Forest Road except such traffic signs and associated apparatus as may be required during the construction of the works.

Power to deviate.

7. The Board in constructing the works may deviate from the lines thereof shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and in constructing Works Nos. 1, 3 and 4 may deviate from the levels shown on the deposited sections to any extent upwards not exceeding, in the case of Work No. 1, one foot and, in the case of Works Nos. 3 and 4, ten feet and to any extent downwards.

PART II —*cont.*

8. The works shall for all purposes form part of the undertaking. Works to form part of undertaking.

9. Section 24 (Temporary discharge of water into streams) of the Metropolitan Water Board Act, 1946, shall extend and apply for the purposes of this Part of this Act as if the works were new works within the meaning of the said Act of 1946: Temporary discharge of water into streams. 1946 c. xvii.

Provided that the said section 24 as so extended and applied shall have effect as if—

(*a*) in subsection (1) the second proviso were omitted;

(*b*) after subsection (1) the following subsections were inserted:—

"(1A) Notwithstanding anything in subsection (7) of section 11 of the Rivers (Prevention of Pollution) Act, 1951, the discharge of any water into any stream as defined in subsection (1) of the said section 11 shall be subject to the provisions of section 2 of that Act; 1951 c. 64.

(1B) In the exercise of the powers conferred by this section the Board shall not damage or interfere with the bed of any watercourse forming part of the main river of the Catchment Board or the banks thereof within the meaning of section 81 of the Land Drainage Act, 1930; 1930 c. 44.

(1C) The Board shall take all such steps as may reasonably be required to secure that any water discharged by them under the powers of this section shall be as free as may be reasonably practicable from any gravel, soil or other solid substance or oil or matter in suspension."

10. If the works are not completed within a period of seven years from 1st October, 1967, then, on the expiration of that period, the powers granted by this Act for the construction thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

11.—(1) Notwithstanding anything in any other enactment, but subject to the provisions of this Act, the Board may for the purpose of constructing and maintaining the works enter upon, take and use the lands delineated and shown coloured pink on the deposited plan and described in the deposited book of reference. Power to acquire lands.

(2) The powers of compulsory acquisition of land under this section shall cease after the expiration of three years from 1st December, 1967.

12.—(1) Notwithstanding anything in any other enactment, but subject to the provisions of this Act, the Board may acquire compulsorily such easements and rights over or in the lands Power to acquire easements.

PART II —*cont.*

within the respective limits of deviation for the conduits as they may require for the purpose of constructing, using, maintaining, renewing or removing so much of either of the conduits as is to be situate between Forest Road and the pink lands or for the purpose of obtaining access thereto or for the purpose of doing any other thing necessary in connection therewith.

(2) Accordingly the Board may give notice to treat in respect of any such easement or right describing the nature thereof; and " land " in Part I of the Compulsory Purchase Act, 1965, as applied by this Act, includes such easements and rights as aforesaid.

1965 c. 56.

(3) The powers of compulsory acquisition of easements and rights under this section shall cease after the expiration of three years from 1st December, 1967.

Correction of errors in deposited plan and book of reference.

13.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Board, after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the London borough of Waltham Forest for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the clerk of the Greater London Council and the town clerk of the London borough of Waltham Forest and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Board to take the land, or easements and rights thereover or therein, as the case may be, and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Transfer of green lands.

14.—(1) The powers conferred on the Board by this Part of this Act to construct works upon, in or under, or to enter upon, take or use, or to acquire easements or rights over or in any part of the open waste lands of Epping Forest shall be exercisable only on condition that the Board convey the green lands to the conservators, for addition to the open waste lands of Epping Forest, in accordance with the provisions of this Act.

PART II —*cont.*

(2) Subject to the provisions of subsection (3) of this section, as soon as is reasonably practicable after the relevant date the Board shall convey the green lands to the conservators in exchange and in full consideration for the pink lands and for all easements and rights acquired by the Board under section 12 (Power to acquire easements) of this Act.

(3) In conveying the green lands to the conservators the Board may reserve to themselves such easements and rights in, over or belonging to the green lands as appear to the Board to be appropriate for the purpose of enabling them to continue to use, maintain, renew or remove such works and apparatus belonging to them as shall then be situate upon, in or under the green lands and the Board may make such conveyance subject to such reservation and also subject to such other easements and rights as shall then relate to the green lands.

Common rights, etc.

15.—(1) Upon the acquisition by the Board of the pink lands—

(*a*) all common or commonable and other rights in, upon or over the pink lands, including all rights of recreation, exercise or access attaching thereto, shall by virtue of this Act be wholly extinguished;

(*b*) the pink lands shall for all purposes cease to form part of the open waste lands of Epping Forest and accordingly shall cease to be subject to the regulation and management of the conservators; and

(*c*) the provisions of the Epping Forest enactments shall cease to apply to the pink lands.

(2) Upon the acquisition by the conservators of the green lands—

(*a*) the green lands shall for all purposes be deemed to be part of the open waste lands of Epping Forest and be subject accordingly to the regulation and management of the conservators;

(*b*) subject to the provisions of subsection (3) of section 14 (Transfer of green lands) of this Act and to anything done thereunder, the green lands shall be subject to the same common or commonable and other rights as were attached to the pink lands on the passing of this Act and the provisions of the Epping Forest enactments shall apply to the green lands.

(3) (*a*) The Board shall take such steps as are necessary to grant to the conservators in perpetuity as soon as is reasonably practicable after the relevant date such easements and rights in respect of the surface of the pink lands as will enable—

(i) the public to have access thereto on foot only for the purposes of recreation and enjoyment;

PART II —*cont.*

(ii) persons entitled to exercise rights of common of pasture within Epping Forest to depasture cattle and other animals thereon.

(*b*) Notwithstanding anything in subsection (1) of this section, the byelaws made from time to time by the conservators under section 36 (Power to make byelaws) of the Epping Forest Act, 1878, shall apply to the pink lands from the date on which the Board grant to the conservators the easements and rights referred to in paragraph (*a*) of this subsection.

1878 c. ccxiii.

(*c*) Nothing in the foregoing provisions of this subsection or done thereunder shall prevent the Board from at any time entering upon or breaking open the surface of the pink lands for the purpose of carrying out any work in connection with the undertaking, the Board making good such surface to the reasonable satisfaction of the superintendent of the conservators.

(4) The provisions of section 14 (Transfer of green lands) of this Act and of subsection (2) of this section, together with the easements and rights to be granted by the Board to the conservators under paragraph (*a*) of subsection (3) of this section, shall be deemed to have been accepted by all persons interested as full compensation for the extinguishment of common or commonable and other rights in, upon or over the pink lands under subsection (1) of this section, for the suspension of such rights in, upon or over the yellow lands under subsection (3) of section 17 (Temporary use of yellow lands) of this Act, for the use and enclosure of the yellow lands and the prevention of access thereto under subsection (1) of the said section 17 and for any disturbance necessarily caused by the Board in the exercise of the powers of this Act or of the Compulsory Purchase Act, 1965, as applied by this Act.

1965 c. 56.

As to use of subsoil of Forest Road for conduits.

16. Subject to the provisions of this Act, the Board may for the purposes of the conduits appropriate and use without payment of compensation therefor the subsoil and undersurface of so much of Forest Road as is shown on the deposited plan as within the respective limits of deviation for the conduits or so much thereof as shall be necessary for the purposes aforesaid.

Temporary use of yellow lands.

17.—(1) Notwithstanding anything in any other enactment, during the construction period the Board may enter upon the yellow lands and use the same for the purpose of depositing spoil thereon, for obtaining access to the works and for any other purpose incidental to the construction of the works including the erection or placing of workshops, sheds, buildings and conveniences of a temporary nature and the Board may fence off or otherwise enclose all or any part of the yellow lands and prevent access thereto;

PART II —*cont.*

Provided that nothing in this subsection shall authorise the Board to prevent access to any other land forming part of Epping Forest.

(2) As and when reasonably required to do so by the conservators after the relevant date, the Board shall reinstate the surface of the yellow lands to the reasonable satisfaction of the superintendent of the conservators.

(3) During the construction period, all common or commonable and other rights in, upon or over the yellow lands, including all rights of recreation, exercise or access attaching thereto, shall be suspended.

(4) In this section " the construction period " means the period commencing with the date on which the Board are authorised to enter upon the pink lands and ending on the date on which the surface of the yellow lands has been reinstated in accordance with the provisions of subsection (2) of this section.

Deposit of spoil on green lands.

18. Until such time as the green lands are conveyed to the conservators, the Board shall not use the green lands for the purpose of depositing spoil thereon except subject to such reasonable conditions as may be agreed between the Board and the conservators.

Deposited plan to be kept at certain offices.

19. As soon as may be after the passing of this Act, the Board shall send a copy of the deposited plan to the town clerk of the city of London, the City Remembrancer and the superintendent of the conservators, and such plan shall be kept with the map referred to in subsection (2) of section 10 (Lands forming Epping Forest) of the City of London (Various Powers) Act, 1956. 1956 c. l.

Settlement of disputes.

20. Any difference arising between the Board and the conservators under this Act shall in default of agreement be referred to the Minister and the Minister may determine it himself or, if he thinks fit, refer it for determination by an arbitrator appointed by him.

PART III

MISCELLANEOUS PROVISIONS

Expenses of execution of Act.

21. All expenses incurred by the Board in the execution of the purposes of this Act and not otherwise provided for including the payment of interest on any stock issued or moneys borrowed for those purposes and the redemption of such stock and the repayment of such moneys (but excluding expenses properly chargeable to capital and payable out of borrowed moneys) shall be paid out of the water fund.

Power to borrow.

22.—(1) The Board may from time to time (in addition to any other moneys which they are now or may by any other enactment be authorised to borrow) borrow at interest for the purposes

PART III —*cont.*

mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of any sums so borrowed and the payment of interest thereon they may mortgage or charge the water fund and all their revenues and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (which periods shall be deemed to be the prescribed periods for the purposes of the enactments referred to in section 23 (Application of certain financial provisions of former Acts) of this Act):—

Purpose	Amount	Period for repayment
	£	Years
(*a*) The construction of Works Nos. 1, 2, 3 and 4	500,000	60
(*b*) The costs, charges and expenses of this Act	The sum requisite	5

(2) (*a*) The Board may also with the consent of the Minister borrow such further sum or sums of money as may be required for any of the purposes of this Act.

(*b*) Any money borrowed under this subsection shall be repaid within such period or periods as may be prescribed by the Minister (which period or periods shall be deemed to be the prescribed period or periods for the purposes of the enactments referred to in the said section 23 of this Act).

(*c*) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Board may mortgage or charge the water fund and all their revenues.

(3) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

1946 c. 58.

Application of certain financial provisions of former Acts.

1902 c. 41.

1906 c. lxxxvii.

1921 c. cxv.

23.—(1) Section 27 (Provisions as to local inquiries) of the Metropolis Water Act, 1902, shall apply for the purposes of this Act and the following sections of the Metropolitan Water Board Act, 1906, and the Schedule to that Act and section 60 (Power to vary rate of accumulation of sinking funds) of the Metropolitan Water Board (Various Powers) Act, 1921, shall extend and apply to and with respect to moneys authorised to be borrowed under

PART III —*cont.*

the powers of section 22 (Power to borrow) of this Act and the repayment thereof as if such sections and the said schedule had been in terms re-enacted in this Act:—

Section 8 (Formation maintenance and application of sinking fund);

Section 9 (Increase reduction or discontinuance of payments to sinking fund);

Section 10 (Surplus of sinking fund);

Section 11 (Power to re-borrow);

Section 12 (Form of mortgage);

Section 13 (Register of mortgages);

Section 14 (Transfer of mortgages);

Section 15 (For protection of lenders);

Section 16 (Board not to regard trusts);

Section 17 (Application of borrowed moneys);

Section 18 (Power to raise money by creation and issue of additional amounts of Metropolitan Water Stock);

Section 19 (Receiver):

Provided that the said section 27 of the Metropolis Water Act, 1902 c. 41.
1902, shall for the purposes of this Act have effect as if the words "not exceeding three guineas a day" were omitted from subsection (3) thereof.

(2) The repayment of the said moneys shall be effected either—

(*a*) by equal yearly or half-yearly instalments of principal or of principal and interest combined; or

(*b*) by means of a sinking fund; or

(*c*) partly by such instalments and partly by a sinking fund.

(3) Every such instalment and payment to a sinking fund shall be paid out of the water fund and the first payment by instalments or to the sinking fund shall be made within twelve months, or, when the moneys are repaid by half-yearly instalments, within six months, after the date of the borrowing of the money in respect of which such payment is made.

Consolidated loans fund.

24.—(1) Notwithstanding anything in any other enactment, the Board may, if they think fit, establish a fund to be called "the consolidated loans fund" to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

(*a*) all moneys borrowed by the Board by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

PART III —*cont.*

(*b*) all moneys of a capital nature received by the Board whether from the sale of capital assets or otherwise, except such as are applied by the Board with due authority to another capital purpose; and

(*c*) the appropriate sums provided in each year out of other funds of the Board to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And (except as aforesaid) there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Board as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Board—

(*a*) in the redemption of authorised securities, the purchase of bonds, bills or stocks for extinction or the repayment of any moneys borrowed by the Board; and

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Board:

And the moneys of the consolidated loans fund not used or applied in these ways or not to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund, and the moneys of the consolidated loans fund shall not, except with the consent of the Minister, be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of the said sums and their application.

(4) The Board may pay into the consolidated loans fund any moneys forming part of any fund established for the repayment of debt or of any reserve, superannuation, insurance, renewal or other similar fund (any of which funds is hereinafter referred to as " the lending fund ") and not for the time being required for the purposes of the lending fund and such moneys shall be deemed to be moneys borrowed by the Board within the meaning of

PART III —*cont.*

subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(*a*) the moneys so used shall be repaid to the lending fund as and when required for the purposes of the lending fund; and

(*b*) there shall be paid out of the consolidated loans fund to the water fund (or, in a case where the lending fund is a superannuation fund, to that fund) an amount equal to the interest on the moneys so used and for the time being not repaid to the lending fund at such rate per cent. per annum as may be determined by the Board to be equal as nearly as may be to the average rate of interest payable by the Board on their current borrowings and, except where the lending fund is a superannuation fund, in the accounts of the water fund the like amount shall, subject to any prescribed limits on the amount of the lending fund and to the provisions of any enactment relating thereto, be credited to the lending fund.

(5) Save as in this section expressly provided, all the obligations of the Board to holders of authorised securities shall continue in force.

(6) The powers conferred by this section shall not be exercised by the Board except in accordance with a scheme approved by the Minister and any such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(7) Any scheme approved by the Minister under this section may be altered, extended, amended or annulled by a further scheme so approved.

Renewal fund.

25.—(1) The Board may, subject to the provisions of this section, by setting apart in any year out of revenue such sums as they think fit, form and maintain a renewal fund for the purpose of defraying the cost of renewing mechanically propelled vehicles, plant and machinery and equipment and appliances in connection therewith, office machinery and equipment, fittings, mains, meters and appliances forming part of the undertaking and the Board may make provision for the setting apart of such sums when estimating their expenditure on revenue account for that year for the purposes of subsection (2) of section 7 (Amendment of provisions as to charging for domestic supplies) of the Metropolitan Water Board (Charges) Act, 1921. 1921 c. xciv.

(2) The renewal fund shall be applicable only to meet expenses requisite for the renewal of the things referred to in subsection (1) of this section and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

PART III —*cont.*

(3) Any sums so set apart for the formation or maintenance of a renewal fund may from time to time be invested in statutory securities and the dividends and interest arising from such securities shall be carried to the water fund and subject to the provisions of the next following subsection an amount equal to such dividends and interest shall be credited to the renewal fund.

(4) Whenever and so long as the amount standing to the credit of the renewal fund amounts to the sum of seven million five hundred thousand pounds, no further sums shall be paid or credited to the fund.

(5) The amount which, subject to the provisions of the last foregoing subsection, may be set apart by the Board in any year to the formation or maintenance of the renewal fund shall not exceed the sum of seven hundred and fifty thousand pounds.

(6) Any sums set apart for the formation or maintenance of a renewal fund under this section shall for all purposes be deemed to be expenditure of the Board.

Power to issue bonds.
1963 c. 46.

26. The Board shall be deemed to be a local authority for the purposes of section 7 of the Local Government (Financial Provisions) Act, 1963.

Amendment of Metropolitan Water Board Act, 1953.
1953 c. xxx.

27.—(1) Subsection (3) of section 9 (Reserve fund) of the Metropolitan Water Board Act, 1953, shall have effect as if for the words " five hundred thousand pounds " there were substituted the words " seven hundred and fifty thousand pounds".

(2) Paragraph (2) of section 12 (Amendment of previous Acts of Board) of the Metropolitan Water Board Act, 1953, shall have effect as if for the words " five hundred thousand pounds " there were substituted the words " seven hundred and fifty thousand pounds".

Amendment of section 80 of Metropolitan Water Board (Various Powers) Act, 1907.
1907 c. clxxiv.

28. Section 80 (Power to lend temporarily) of the Metropolitan Water Board (Various Powers) Act, 1907, shall have effect as if the provisos thereto were omitted.

Temporary loans.
1933 c. 51.

29.—(1) The Board shall be deemed to be a local authority for the purposes of section 215 of the Local Government Act, 1933, and section 216 of the said Act of 1933 shall extend and apply so as to authorise the Board to re-borrow for the purpose of paying off any moneys borrowed by them under the said section 215.

(2) Section 32 (Power to borrow on short term loans) of the Metropolitan Water Board Act, 1931, is hereby repealed.

1931 c. c.

PART IV

GENERAL

For protection of electricity undertakers.

30. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Board and the undertakers, apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

" the Act of 1950 " means the Public Utilities Street Works Act, 1950; 1950 c. 39.

" apparatus " means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus; 1882 c. 56.

" in " in a context referring to apparatus includes under, over, across, along or upon;

" specified works " means any work or thing done under the powers of section 5 (Power to construct works) or section 6 (Subsidiary works) of this Act;

" the undertakers " means the London Electricity Board:

(2) The provisions of the code in Part II of the Act of 1950 shall apply and have effect in relation to the specified works as if those works were executed for road purposes within the meaning of paragraph (*a*) of subsection (1) of section 21 of the Act of 1950 and were of a kind referred to in that section:

Provided that for the purposes of such application the provisions of the Act of 1950 shall have effect—

(*a*) so as to impose on the Board an obligation, before commencing any specified works, to give notice to the undertakers under paragraph 2 of Schedule 4 to the Act of 1950 together with plans, sections and particulars of the works to be commenced; and

(*b*) as if accordingly the words in parenthesis in paragraph 3 of the said schedule relating to a road alteration were omitted:

(3) Where in accordance with section 14 (Transfer of green lands) of this Act any lands are conveyed to the conservators the undertakers shall be entitled to exercise the same rights and powers in respect of any apparatus remaining in such lands as they enjoyed immediately before the passing of this Act:

PART IV —*cont.*

(4) Any difference arising between the Board and the undertakers under this section shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, appointed on the application of either party after notice in writing to the other, by the President of the Institution of Civil Engineers.

Saving for town and country planning. 1962 c. 38.

31. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Costs of Act.

32. All the costs, charges and expenses preliminary to and incidental to the preparation of and application for and the obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR PERCY FAULKNER, K.B.E., C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 1*s.* 9*d.* net
PRINTED IN ENGLAND

Metropolitan Water Board Act 1967

CHAPTER xxv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Application of enactments.
4. Interpretation.

PART II

WORKS AND LANDS

5. Power to construct works.
6. Subsidiary works.
7. Power to deviate.
8. Works to form part of undertaking.
9. Temporary discharge of water into streams.
10. Period for completion of works.
11. Power to acquire lands.

Section

12. Power to acquire easements.
13. Correction of errors in deposited plan and book of reference.
14. Transfer of green lands.
15. Common rights, etc.
16. As to use of subsoil of Forest Road for conduits.
17. Temporary use of yellow lands.
18. Deposit of spoil on green lands.
19. Deposited plan to be kept at certain offices.
20. Settlement of disputes.

PART III

MISCELLANEOUS PROVISIONS

21. Expenses of execution of Act.
22. Power to borrow.
23. Application of certain financial provisions of former Acts.
24. Consolidated loans fund.
25. Renewal fund.
26. Power to issue bonds.
27. Amendment of Metropolitan Water Board Act, 1953.
28. Amendment of section 80 of Metropolitan Water Board (Various Powers) Act, 1907.
29. Temporary loans.

PART IV

GENERAL

30. For protection of electricity undertakers.
31. Saving for town and country planning.
32. Costs of Act.