Thames Valley Water Act 1968

CHAPTER xiv

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ELIZABETH II



1968 CHAPTER xiv

An Act to empower the Thames Valley Water Board to construct a service reservoir and to acquire lands; and for other purposes. [3rd July 1968]

WHEREAS—

(1) By the Thames Valley Water Act and Orders, 1959 to 1967, the Thames Valley Water Board (hereinafter referred to as "the Board") are authorised undertakers for the supply of water within an area which comprises the county borough of Reading, part of the royal county of Berkshire and parts of the counties of Hampshire and Oxford:

(2) It is expedient to authorise the Board to make and maintain the service reservoir described in this Act:

(3) The site proposed for the said reservoir forms part of lands which are claimed to be subject to common or commonable and other rights and it is expedient to make provision for the extinction of any such rights as there may be over the said site:

(4) It is expedient to empower the Board to acquire other land to be provided in exchange for the land to be acquired for the said reservoir:

(5) It is expedient that the other provisions contained in this Act should be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

(7) Estimates have been prepared by the Board for and in connection with the following purposes—

	£
The construction of the covered service reservoir and other works authorised by this Act ...	135.000

(8) The works included in such estimates are permanent works and it is expedient that the cost thereof shall be spread over a term of years:

(9) In relation to the promotion of the Bill for this Act the requirements of section 97 (Power for Board to apply for further powers etc.) of the Reading and Berkshire Water &c. Act, 1959. have been observed:

1959 c. xxxiii.

(10) Plans and sections showing the lines and levels of the work authorised by this Act and showing the land which may be acquired, used or dealt with in accordance with the provisions of this Act and a book of reference containing the names of the owners or reputed owners and of the occupiers of that land were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the Clerk of the County Council of the administrative county of the royal county of Berkshire, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, 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:—

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Thames Valley Water Act 1968.

(2) The Thames Valley Water Act and Orders, 1959 to 1967. and this Act may be cited together as the Thames Valley Water Acts and Orders, 1959 to 1968.

PART I —*cont.*

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

Part I.—Preliminary.

Part II.—Lands and works.

Part III.—Miscellaneous.

Interpretation.

3.—(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:—

"the Board" means the Thames Valley Water Board;

"the common" means the land known as Crookham Common in the parish of Thatcham in the rural district of Newbury in the county;

"the county" means the administrative county of the royal county of Berkshire;

"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 exchange land" means any land purchased by the Board in pursuance of section 7 (Power to acquire alternative land for exchange) of this Act and certified by the Minister in pursuance of section 8 (As to exercise of powers of last foregoing section) of this Act;

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

"the reservoir land" means the land delineated on the deposited plans and described in the deposited book of reference;

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

"the work" means the covered service reservoir authorised by Part II (Lands and works) of this Act.

(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.

Application of Third Schedule to Water Act, 1945.

1945 c. 42.

4. For the purposes of this Act the provisions of the Third Schedule to the Water Act, 1945, specified in column (1) of the Schedule to this Act shall, subject to the modifications specified in column (2) thereof, apply to the undertaking and subject as aforesaid are hereby incorporated with this Act.

PART II

LANDS AND WORKS

Power to acquire land.

5. The Board shall have power under this section to acquire by agreement whether by way of purchase, lease or exchange the reservoir land for the purpose of making and maintaining the work together with all necessary works and conveniences connected therewith or incidental thereto.

Correction of errors in deposited plans and book of reference.

6.—(1) If the deposited plans 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 place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the mis-statement 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 mis-stated 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 county council of the county with the clerk of the Newbury rural district council and with the clerk of the Thatcham parish council and thereupon the deposited plans 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 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.

Power to acquire alternative land for exchange.

7.—(1) The Board may purchase land by agreement in order to provide land in substitution for the reservoir land.

(2) The Board by means of an order made by the Board and submitted to the Minister and confirmed by him may be authorised to purchase compulsorily any land for the purposes aforesaid.

1946 c 49.

(3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to land proposed to be purchased compulsorily by an order under subsection (2) of this section as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946.

PART II —*cont.*

As to exercise of powers of last foregoing section.

8.—(1) The Board shall use their best endeavours in pursuance of the last foregoing section to purchase land, not being less in area than the reservoir land and certified by the Minister to be equally advantageous to the persons, if any, entitled to common or commonable rights in, upon or over the common and to the public.

(2) If the Board are unable to purchase any such land as is referred to in subsection (1) of this section before the 31st December, 1971, or such longer period as the Minister may allow, they shall pay compensation to the persons, if any, entitled to common or commonable rights in, upon or over the reservoir land on the date on which the Board acquire that land and for that purpose the provisions of Schedule 4 to the Compulsory Purchase Act 1965 (except sub-paragraph (1) of paragraph 1 paragraph 2 and sub-paragraphs (1) and (2) of paragraph 7) shall apply and shall have effect with any necessary modifications as if the Board had acquired that land compulsorily by means of a compulsory purchase order. 1965 c. 56.

Common rights.

.—(1) Upon the acquisition by the Board of the reservoir and any common or commonable rights in, upon or over the reservoir land, and any rights of recreation or exercise attaching thereto, shall by virtue of this Act be wholly extinguished.

(2) Upon the acquisition by the Board of the exchange land the exchange land shall for all purposes be deemed to be part of the common and shall be subject to the same common or commonable and other rights if any as were attached to the reservoir land immediately before the passing of this Act.

(3) The provisions of subsection (2) of this section when effect shall have been given thereto shall be deemed to have been accepted by all persons interested as full compensation for the extinguishment of any common or commonable or other rights in, upon or over the reservoir land 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.

Power to construct work.

10.—(1) Notwithstanding anything in any other enactment but subject to the provisions of this Act the Board may make and maintain in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections and on the reservoir land the following work in the parish of Hatcham in the rural district of Newbury, in the county, that is to say:—

A covered service reservoir,

together with all necessary works and conveniences connected therewith or incidental thereto.

PART II —*cont.*

(2) If the work is not completed within the period of fifteen years from the passing of this Act then on the expiration of that period the powers granted by this Act for constructing the work or otherwise in relation thereto shall cease except as to so much thereof as is then completed:

Provided that the Board may from time to time alter and renew the work.

Power to deviate.

11. The Board in constructing the work may deviate from the lines thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate from the levels shown on the deposited sections to any extent.

Work to form part of undertaking.

12. The work shall for all purposes form part of the undertaking.

PART III

MISCELLANEOUS

Power to borrow.

13.—(1) The Board may borrow—

(*a*) such sums as may be necessary for any of the purposes of this Act;

(*b*) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table:—

(1) Purposes for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
The purchase of land	The sum requisite	Sixty years.
The construction of the work and works ancillary thereto	£135,000	Forty years.
The payment of the costs, charges and expenses of this Act	The sum requisite	Five years.

PART III —*cont.*

(2) The period from the date of borrowing for the repayment of any sum borrowed under paragraph (*b*) of the foregoing subsection shall not exceed the period specified in relation thereto in the third column of the foregoing table.

(3) Subject to the provisions of this section, Part IX of the Local Government Act, 1933, shall have effect as if money borrowed under this section were borrowed under that Part, and as if the foregoing table were in Schedule 8 to that Act. 1933 c. 51.

(4) 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.

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

14. 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.

15. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, 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 out of the revenues of the Board or out of money to be borrowed under this Act for that purpose.

SCHEDULE

Section 4.
1945 c. 42.

PROVISIONS OF THIRD SCHEDULE TO THE WATER ACT, 1945, INCORPORATED

(1) Provisions applied	(2) Modifications
Section 4 (General power to construct subsidiary works)	The words from the beginning of the section to the words "abstract water" shall be omitted; for the words "their water undertaking" there shall be substituted the words "the service reservoir authorised by the special Act" and after the word "buildings" there shall be inserted the words "means of access".
Section 5 (Power of undertakers to lay or erect telephone wires, &c.)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 8 (Persons under disability may grant easements, &c.)	—
Section 9 (Extinction of private rights of way)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	—

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