STATUTORY INSTRUMENTS

1982 No. 725

WATER, ENGLAND AND WALES

The Three Valleys Water Order 1982

Made - - - - 20*th May* 1982
Coming into Operation 7*th June* 1982

The Secretary of State for the Environment, in exercise of powers conferred by section 23 of the Water Act 1945(**a**) as extended by section 3 of the Water Act 1948(**b**) and section 33(2) of the Compulsory Purchase Act 1965(**c**) and now vested in him, and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation.

1.—(1) This order may be cited as the Three Valleys Water Order 1982 and shall come into operation on 7th June 1982.

(2) The Colne Valley Water Acts and Orders 1873 to 1976 and so much of this order as relates to the Colne Valley Company may be cited together as the Colne Valley Water Acts and Orders 1873 to 1982.

(3) The Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1977 and so much of this order as relates to the Rickmansworth Company may be cited together as the Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1982.

(4) The Lee Valley Water Acts and Orders 1959 to 1976 and so much of this order as relates to the Lee Valley Company may be cited together as the Lee Valley Water Acts and Orders 1959 to 1982.

Interpretation.

2. In this order, unless the context otherwise requires, expressions to which meanings are assigned by section 1 of the Third Schedule to the Water Act 1945 or section 2 of the Order of 1970 have the same respective meanings; and:—

"the deposited plans" and "the deposited sections" respectively mean the plans and sections prepared in quadruplicate, signed by an Under Secretary in the Department of the Environment and marked "Plans and sections referred to in the Three Valleys Water Order 1982", one set of which is deposited in the office of the Secretary of State and one at the principal offices of each of the Three Companies;

"the Iver treatment works" means Work No. 9 authorised by the Order of 1970;

"the Order of 1970" means the Three Valleys Water Order 1970(**d**).

(**a**) 1945 c.42. (**b**) 1948 c.22. (**c**) 1965 c.56. (**d**) S.I. 1970/1790.

Application of certain provisions of Third Schedule.

3. Subsections (1) and (3) of section 3 (Application of certain provisions of Third Schedule) of, and Schedule 1 to, the Order of 1970 shall have effect as if any reference therein to that order included reference to this order.

Application of Part I of Compulsory Purchase Act 1965.

4. In its application to this order Part I of the Compulsory Purchase Act 1965 shall have effect subject to the following exceptions and modifications:—

(a) section 27 (acquiring authority to make good deficiencies in rates) shall be omitted; and

(b) subsection (2) of section 11 (powers of entry) shall have effect as if at the end of the first paragraph thereof there were inserted the words "(other than paragraph 3(3) thereof)".

Construction of work.

5. Subject to the provisions of this order, the Three Companies may construct and maintain, in the lines and situations shown on the deposited plans, and according to the levels shown on the deposited sections the following work partly in the borough of Spelthorne in the county of Surrey and partly in the district of South Buckinghamshire in the county of Buckingham:—

An aqueduct in tunnel with shafts and associated works commencing by a junction with the Datchet and Wraysbury outlet tunnel of the Thames Water Authority at the Moor Lane shaft in the parish of Staines, passing into and through the parish of Stanwell and terminating at the Iver treatment works in the parish of Iver at National Grid reference point TQ 452018.

Power to lay electric lines.

6.— (1) The Three Companies may lay electric lines in connection with and as part of the work authorised by this order for the purpose of establishing telegraphic, telephonic or other electrical communication between the commencement of the work and the Iver treatment works.

(2) Subsections (3), (4) and (5) of section 5 of the Third Schedule shall extend and apply to any electric lines laid under this section as if they were wires, posts, conductors and other apparatus laid under the said section 5.

(3) In this section "electric line" has the same meaning as in the Electricity (Supply) Acts 1882 to 1936.

Work to be a joint work.

7. The work authorised by this order shall be a joint work as if it were included among the works authorised by section 5 of the Order of 1970.

8.— (1) Subject to the provisions of this order, the Three Companies may purchase compulsorily such of the lands (not being lands mentioned in section 24(6) of the Water Act 1945):— Purchase of lands.

(a) within the limits of deviation delineated on the deposited plans as may be required for the construction of the work authorised by this order; and

(b) within the limits of land to be acquired delineated on the deposited plans as may be required for access to a shaft forming part of the said work at Moor Lane.

(2) The Three Companies shall not, under subsection (1) of this section, purchase any land required for the construction of the work authorised by this order or for access if, within six months from the service by the Three Companies on all persons on whom notice to treat would have to be served in respect of the compulsory purchase of that land of a notice specifying the easements or rights in or over that land which the Three Companies so require and requesting the grant to the Three Companies of those easements or rights, agreement is made for the grant to the Three Companies of those easements or rights at a price to be agreed or, failing agreement, to be determined under the provisions of the Land Compensation Act 1961(a).

9.—(1) The Three Companies during, and for the purposes of, the execution of the work authorised by this order may temporarily stop up, alter, divert or otherwise interfere with any highway or drain or any private right of way and, in the case of any highway or right of way, may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going with or without animals to or from any land, house or building abutting on the highway or right of way from passing along and using the same. Temporary stoppage of highways etc.

(2) The Three Companies shall provide reasonable access for passengers, with or without animals, bona fide going to or from any such land, house or building and shall, wherever reasonably practicable, provide a proper temporary substitute way before interrupting the traffic on any highway.

(3) The powers of subsection (1) of this section shall not be exercised by the Three Companies:—

(a) in relation to any highway, without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment) as the highway authority may require, and any question whether such consent is unreasonably withheld, or any conditions so imposed are unreasonable, shall be determined by arbitration;

(b) in relation to any drain, without providing a proper substitute before interrupting the passage of water in or through such drain,

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(a) 1961 c.33.

and the Three Companies shall make compensation for any damage caused to any person by the exercise of such powers in relation to any drain, the amount of such compensation being, in case of dispute, determined by arbitration.

(4) The exercise of the powers conferred by subsection (1) of this section in relation to a highway shall not affect the powers of British Telecommunications under the Telegraph Acts, as defined by section 21(2) of the Post Office Act 1969(a), to place, maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that highway for any of those purposes.

For protection of water electricity and gas undertakers.

10. For the protection of the Thames Water Authority, the Southern Electricity Board, the Central Electricity Generating Board and the British Gas Corporation the following provisions shall, unless in any case it is otherwise agreed in writing between the Three Companies and the undertakers concerned, apply and have effect:—

(1) In this section:—

"adequate alternative apparatus" means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

"apparatus" means:—

(a) in the case of electricity undertakers, electric lines or works (as respectively defined in the Electric Lighting Act 1882(b)) belonging to, maintained by or lawfully laid or erected by, such undertakers; and

(b) in the case of water or gas undertakers, any apparatus belonging to such undertakers or for the maintenance of which they are responsible;

(not being in any such case apparatus in respect of which the relations between the Three Companies and the undertakers are regulated by the provisions of section 26 of the Public Utilities Street Works Act 1950(c)) and includes any structure for the lodging therein of apparatus;

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

"undertakers" means any person authorised by any enactment to carry on an undertaking for the supply of water, electricity or gas.

(2) Notwithstanding anything in this order or shown on the deposited plans, the Three Companies shall not acquire any apparatus otherwise than by agreement.

(3) If the Three Companies in the exercise of the powers of this order acquire any interest in any land in which any apparatus is placed they shall not seek to remove that apparatus, or to extinguish any right of the undertakers to use, maintain, repair, renew or inspect that apparatus in those lands, until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers.

(a) 1969 c.48. (b) 1882 c.56. (c) 1950 c.39.

(4) If the Three Companies, for the purpose of exercising the powers of this order, require the removal of any apparatus and give to the undertakers notice of their requirement, or if in consequence of the exercise of the powers of this order the undertakers shall reasonably require to remove any apparatus, the Three Companies shall afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in other land of the Three Companies and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the Three Companies are unable to afford facilities and rights as aforesaid the undertakers shall on receipt of a notice to that effect from the Three Companies forthwith use their best endeavours to obtain the necessary facilities and rights in other land.

(5) The Three Companies shall pay to the undertakers the amount by which the costs, charges and expenses reasonably incurred by the undertakers in connection with any removal or alteration of any apparatus or the construction of any new apparatus which may be required in consequence of the exercise of the powers of this order shall exceed the value (such value being calculated after removal) of any apparatus removed in consequence of alternative apparatus being provided, and shall also make compensation to the undertakers for any damage caused to any apparatus in consequence of the exercise of the said powers.

(6) The temporary stopping up or diversion of any highway under the powers of section 9 (Temporary stoppage of highways etc.) of this order shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers:—

(a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the highway; or

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break up that highway.

(7) Any difference which may arise between the Three Companies and the undertakers under this section shall be referred to arbitration.

11. All costs, charges and expenses of and incidental to the application for, and the preparation and making of, this order shall be paid by the Three Companies in the proportions which have been agreed between them and may be paid in whole or in part out of revenue. Costs of order.

J. A. L. Gunn,
An Under Secretary in the Department of the Environment.

Signed by authority of the Secretary of State
20th May 1982.