ELIZABETH II



1970 CHAPTER vii

An Act to provide for the conservation of the water resources of the area of the Welland and Nene River Authority by the construction of a reservoir and other waterworks by the Authority; to authorise the Mid-Northamptonshire Water Board to construct waterworks; to authorise the Welland and Nene River Authority and the Mid-Northamptonshire Water Board to acquire lands and rights; to confer further powers on the Mid-Northamptonshire Water Board with regard to their water undertaking, including increased charging powers; and for other purposes. [15th May 1970]

WHEREAS the Welland and Nene River Authority (hereinafter referred to as "the River Authority") were constituted in pursuance of the Water Resources Act, 1963 (hereinafter referred to as "the Act of 1963") as the authority responsible for water conservation, land drainage, prevention of pollution and the management and improvement of fisheries within an area which comprises the catchment areas of the rivers Welland and Nene: 1963 c. 38.

And whereas as the authority responsible for water conservation within their area the River Authority are charged by the Act of 1963 with the duty of taking such action as they consider necessary or expedient for the purpose (inter alia) of augmenting water resources in their area:

And whereas the demand for water within the area of the River Authority has increased, is increasing and will shortly be beyond the capacity of the existing sources of supply:

And whereas to ensure that the River Authority are in a position to fulfil their statutory function of providing sufficient supplies of water to meet the demands of the statutory water undertakers and other water users in their area it is expedient and in the public interest that the River Authority should be empowered to construct the works which they are by this Act authorised to construct and to impound and abstract water from certain rivers and streams by means of such works:

And whereas the Mid-Northamptonshire Water Board (hereinafter referred to as "the Water Board") are, by the Mid-Northamptonshire Water Board Act and Orders, 1948 to 1966, the authorised undertakers for the supply of water within the county borough of Northampton and an extensive area in the counties of Northampton, Leicester and Rutland:

And whereas the demand for water within the limits of supply of the Water Board is increasing and is likely further to increase, and in order that the Water Board should be able to meet this demand, particularly the demand for water to serve expanding towns in their area and the needs of neighbouring water undertakers for supplies of water in bulk, it is expedient that the Water Board should be authorised to take water from the said works of the River Authority and to construct such other works in connection therewith as they are by this Act authorised to construct:

And whereas it is expedient that the River Authority and the Water Board should be empowered to acquire lands and easements for the works which they are by this Act respectively authorised to construct:

And whereas it is expedient to make further provision relating to the undertaking of the Water Board, including provision to authorise an increase in the charges which may be made by the Water Board for the supply of water by meter and to modify
1945 c. 42. provisions of the Third Schedule to the Water Act, 1945, and other enactments applying to the said undertaking:

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

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

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

For the construction of the works authorised by this Act to be constructed by the River Authority	£15,550,000
For the construction of the works authorised by this Act to be constructed by the Water Board	£8,062,500

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, as applied by the Mid-Northamptonshire Water Board Order, 1948, have been observed by the Water Board: 1933 c. 51.

And whereas plans and sections showing the lines, situations and levels of the works authorised by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which may be acquired or used compulsorily under the powers of this Act, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the clerks of the county councils of the administrative counties of Huntingdon and Peterborough, Leicester, Lincoln (Parts of Kesteven), Northampton and Rutland, which plans, sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections and the deposited 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 Welland and Nene (Empingham Reservoir) and Mid-Northamptonshire Water Act 1970.

PART I —*cont.*

(2) So much of this Act as relates to the Water Board and the Mid-Northamptonshire Water Board Act and Orders, 1948 to 1966, may be cited together as the Mid-Northamptonshire Water Board Acts and Orders, 1948 to 1970.

Division of Act into Parts.

2. This Act shall be divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Works.
Part III.—Lands.
Part IV.—Abstractions, impounding works and discharges.
Part V.—Finance.
Part VI.—Special provisions relating to the River Authority.
Part VII.—Special provisions relating to the Water Board.
Part VIII.—Miscellaneous and general.

Interpretation.

3.—(1) In this Act, unless the subject or context otherwise requires—

1945 c. 42. "the Act of 1945" means the Water Act, 1945;

1961 c. 33. "the Act of 1961" means the Land Compensation Act, 1961;

1963 c. 38. "the Act of 1963" means the Water Resources Act, 1963;

1965 c. 56. "the Act of 1965" means the Compulsory Purchase Act, 1965;

"appropriate authority" means—

(*a*) in relation to the Welland and Nene works and in relation to any land in respect of which powers for compulsory acquisition are conferred upon the River Authority by this Act, the River Authority;

(*b*) in relation to the Mid-Northamptonshire works and in relation to any land in respect of which powers for compulsory acquisition are conferred upon the Water Board by this Act, the Water Board;

"land" includes any interest in or right over land;

"the Mid-Northamptonshire works" means Works Nos. 16 to 25 and any works, apparatus or conveniences constructed or provided by the Water Board as part of, or in connection with, or for the purposes of, those works or any of them;

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

"the River Authority" means the Welland and Nene River Authority;

"telegraphic line" has the same meaning as in the Telegraph Act, 1878;

1878 c. 76.

PART I —*cont.*

" Third Schedule " means the Third Schedule to the Act of 1945;

" the tribunal " means the Lands Tribunal;

" the Water Board " means the Mid-Northamptonshire Water Board;

" watercourse " includes a river, stream, mill race, ditch, drain, cut, culvert, dyke, channel and sewer (except a local authority sewer);

" the Welland and Nene works " means Works Nos. 1 to 15 and any works, apparatus or conveniences constructed or provided by the River Authority as part of, or in connection with, or for the purposes of, those works or any of them.

(2) References in this Act to reference points shall be construed as references to the National Grid reference points.

(3) Unless the subject or 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.

(4) For the purposes of this Act the construction of the Empingham Reservoir (Work No. 12) shall be deemed to have been completed when the water level in the said reservoir has on first filling reached the level of 225 feet above ordnance datum (Newlyn).

(5) Unless the subject or context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

Application and modification of enactments.

4.—(1) (*a*) For the purposes of this Act the provisions of the Third Schedule which are specified in column (1) of Part I of Schedule 1 to this Act shall, subject to the modifications set out in column (2) thereof, apply to the River Authority and the Welland and Nene works and the provisions of the Third Schedule which are specified in column (1) of Part II of the said Schedule shall, subject to the modifications set out in column (2) thereof, apply to the Water Board and their undertaking.

(*b*) Subject as aforesaid the said provisions are hereby incorporated with this Act and, as so incorporated, shall have effect as if for references therein to undertakers there were substituted references to the appropriate authority.

PART I —*cont.*

(2) Section 16 of the Railways Clauses Consolidation Act, 1845, and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this Act and, as so incorporated, shall have effect as if— 1845 c. 20.

(*a*) for the words " the period by the special Act limited for the completion of the railway " there were substituted the words " the period of eight years from the commencement of the construction of any of the works authorised by the special Act ";

(*b*) the expression " the company " meant the appropriate authority; and

(*c*) the expression " the railway " meant the works authorised by this Act and " the centre of the railway " meant the centre of any such works respectively or, in the case of the Empingham Reservoir (Work No. 12), the line of the top water level of that reservoir.

(3) (*a*) Subject to the provisions of section 24 (Compensation for ecclesiastical property) of this Act, Part I of the Act of 1965 (except section 4, paragraph (*b*) of subsection (2) of section 21, subsection (5) of section 24, section 27 and sub-paragraph (3) of paragraph 3 of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act, 1946, applies and as if this Act were a compulsory purchase order under the said Act of 1946. 1946 c. 49.

(*b*) In subsection (1) of section 11 of the Act of 1965 as so applied, for the words " fourteen days' " there shall be substituted the words " three months' ".

(*c*) The Lands Clauses Consolidation Act, 1845, shall not apply to the acquisition of land under this Act. 1845 c. 18.

PART II

WORKS

Power to River Authority to construct works.

5.—(1) Subject to the provisions of this Act, the River Authority may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the counties of Huntingdon and Peterborough, Lincoln (Parts of Kesteven),

Northampton and Rutland the works hereinafter described together with all necessary works and conveniences connected therewith, namely:— PART II —*cont.*

In the counties of Northampton and Huntingdon and Peterborough—

Work No. 1 A weir situated adjacent to the eastern side of the Wansford Lock, in the parish of Yarwell in the rural district of Oundle and Thrapston in the county of Northampton, at reference point TL 0751 9827;

Work No. 1A An improvement of the river Nene in the said parish of Yarwell and in the parish of Sibson-cum-Stibbington in the rural district of Norman Cross in the county of Huntingdon and Peterborough consisting of an alteration, widening, deepening, strengthening, straightening or diversion of portions of the bed and banks of so much of the said river as lies between reference point TL 0776 9793 and Work No. 1;

Work No. 1B An improvement of the western channel of the river Nene in the said parish of Yarwell and in the said parish of Sibson-cum-Stibbington consisting of an alteration, widening, deepening, strengthening, straightening or diversion of portions of the bed and banks of so much of the said river as lies between Work No. 1 and reference point TL 0752 9881;

Work No. 1C An access road in the said parish of Yarwell commencing by a junction with the Wansford / Yarwell / Nassington / Fotheringhay road (classified road C.14) at reference point TL 0677 9859 and terminating at Wansford Lock;

Work No. 1D A line or lines of electric cables commencing in the said parish of Yarwell at Work No. 1 and terminating in the parish of Wansford in the rural district of Barnack in the county of Huntingdon and Peterborough at Work No. 2:

In the counties of Huntingdon and Peterborough, Lincoln (Parts of Kesteven) and Rutland—

Work No. 2 An intake and pumping station (the Wansford intake) in the said parish of Wansford on the north bank of the river Nene in the enclosure numbered 78 on the 1/2500 ordnance map of Northamptonshire, sheet VII.11 (second edition of 1900);

PART II —*cont.*

Work No. 3 An aqueduct or line or lines of pipes commencing in the said parish of Wansford at Work No. 2 and terminating in the parish of Thornhaugh in the said rural district of Barnack at the commencement of Work No. 4 at reference point TF 0753 0063;

Work No. 4 An underground tunnel including shafts connected therewith, commencing in the said parish of Thornhaugh at the termination of Work No. 3 passing into and through the parishes of Wittering and St. Martin's Without in the said rural district of Barnack and terminating in the parish of Wothorpe in the said rural district at the commencement of Work No. 5 at reference point TF 0245 0591;

Work No. 5 An aqueduct or line or lines of pipes commencing in the said parish of Wothorpe at the termination of Work No. 4 passing into and through the borough of Stamford in the county of Lincoln (Parts of Kesteven) and terminating in the parish of Tinwell in the rural district of Ketton in the county of Rutland at Work No. 7;

Work No. 6 A reconstruction and improvement of the existing weir across the river Welland and the Mill Lade for use as a control and measuring structure in the said parish of Tinwell and in the said borough of Stamford at reference point TF 0183 0602;

Work No. 6A An improvement of the river Welland in the said parish of Tinwell and in the said borough of Stamford consisting of an alteration, widening, deepening, strengthening, straightening or diversion of portions of the bed and banks of so much of the said river as lies between reference point TF 0167 0599 and Work No. 6;

Work No. 6B An improvement of the Mill Lade in the said parish of Tinwell and in the said borough of Stamford consisting of an alteration, widening, deepening, strengthening, straightening or diversion of portions of the bed and banks of so much of the said river as lies between Work No. 6 and reference point TF 0220 0622;

Work No. 6C An improvement of the river Welland in the said parish of Tinwell and in the said borough of Stamford consisting of an alteration, widening,

deepening, strengthening, straightening or diversion of portions of the bed and banks of so much of the said river as lies between Work No. 6 and reference point TF 0221 0611:

In the county of Rutland—

Work No. 7 An intake and pumping station (the Tinwell intake) in the said parish of Tinwell on the north bank of the river Welland in enclosures numbered 10, 12 and 38 on the 1/2500 ordnance map of Rutland, sheet X.12 (second edition of 1901);

Work No. 7A An access road in the said parish of Tinwell commencing by a junction with the road from Stamford to Morcott (classified road A.6121) at reference point TF 0162 0660 and terminating at Work No. 7;

Work No. 8 An aqueduct or line or lines of pipes in the said parish of Tinwell commencing at Work No. 7 and terminating at the commencement of Work No. 9:

In the counties of Rutland and Lincoln (Parts of Kesteven)—

Work No. 9 An underground tunnel including shafts connected therewith, commencing in the said parish of Tinwell at the termination of Work No. 8 at reference point TF 0145 0645, passing into and through the said borough of Stamford and the said parish of Tinwell and the parish of Ketton in the said rural district of Ketton and terminating in the parish of Empingham in the rural district of Oakham in the county of Rutland at Work No. 10;

Work No. 10 A pumping station in the said parish of Empingham in the enclosures numbered 7100, 0005 and 0515 on the 1/2500 ordnance map SK 9408 and SK 9508 (edition of 1967);

Work No. 10A An access road in the said parish of Empingham commencing by a junction with the Empingham/Ketton road (classified road C.15) at reference point SK 9513 0808 and terminating at Work No. 10;

Work No. 11 An aqueduct or line or lines of pipes commencing in the said parish of Empingham at Work No. 10 and terminating at reference point SK 9464 0802;

PART II —*cont.*

Work No. 11A An aqueduct or line or lines of pipes in the said parish of Empingham commencing at the termination of Work No. 11 and terminating on the north bank of the Empingham Reservoir (Work No.12) at reference point SK 9254 0854;

Work No. 11B An aqueduct or line or lines of pipes commencing in the said parish of Empingham at the termination of Work No. 11 and terminating in the parish of Normanton in the said rural district of Oakham on the south bank of the said reservoir at reference point SK 9312 0603;

Work No. 12 A reservoir (to be called " the Empingham Reservoir ") in the parishes of Empingham, Normanton, Whitwell, Exton, Hambleton, Edith Weston, Gunthorpe, Burley, Egleton, Martinsthorpe and Manton in the said rural district of Oakham and in the urban district of Oakham in the said county of Rutland to be formed by means of a dam across the river Gwash wholly in the said parish of Empingham commencing at reference point SK 9394 0830 and terminating at reference point SK 9462 0737;

Work No. 12A An access road in the said parish of Empingham commencing by a junction with the road from the Empingham/Ketton road (classified road C.15) at reference point SK 9523 0773 and terminating at the termination of the dam forming Work No. 12;

Work No. 13 A new road being a diversion or realignment of the existing Stamford/Oakham/Melton Mowbray/ West Bridgford road (classified road A.606) in the urban district of Oakham commencing by a junction with the said road at reference point SK 8752 0854, passing into and through the parish of Burley in the said rural district of Oakham and terminating in the said parish of Exton by a junction with the said road at reference point SK 9077 0930;

Work No. 14 A new road commencing by a junction with the said road A.606 in the said parish of Hambleton at reference point SK 8833 0850 and terminating in the said parish of Hambleton by a junction with the Oakham/Upper Hambleton road (classified road C.14) at reference point SK 8958 0792;

Work No. 15 An improvement of the river Gwash in the said parish of Empingham passing into and through the parish of Tickencote in the said rural district of Oakham and the said parish of Tinwell and the

PART II —*cont.*

parishes of Great Casterton, Little Casterton and Ryhall in the said rural district of Ketton consisting of an alteration, widening, deepening, strengthening, straightening or diversion of portions of the bed and banks of so much of the said river as lies between reference point SK 9510 0825 and reference point TF 0323 1109.

(2) The River Authority may from time to time renew and alter the works described in subsection (1) of this section.

Subsidiary powers for River Authority.

6.—(1) Subject to the provisions of this Act and within the limits of deviation of the Welland and Nene works shown on the deposited plans, the River Authority in connection with and for the purposes of those works, may—

(*a*) make junctions and communications between any of those works and any watercourses and any existing streets, roads, droves, ways, fords, bridges, towing paths and footpaths;

(*b*) make, provide and maintain all necessary and convenient walls, banks, embankments, piling, fences, facilities for watering cattle and other animals, culverts, drains, intakes, syphons, channels, weirs, sluices, wharves, mattresses, pitching, roads, droves, bridges, towing paths and footpaths, and all such mains, pipes, cables, wires, pumps, machinery, works and appliances as may be required;

(*c*) raise, widen, lengthen, alter and reconstruct the bridges over any watercourses altered, widened, deepened, strengthened, straightened or diverted under the powers of this Act and the approaches to such bridges and strengthen, underpin and deepen the piers, arches and other supports and the foundations thereof without acquiring the said bridges or any interest therein;

(*d*) construct and maintain new fords across watercourses and approaches to such fords, and widen, lengthen, alter and reconstruct existing fords and the approaches thereto;

(*e*) stop up and discontinue so much of the watercourses shown on the deposited plans as will be rendered unnecessary by reason of the execution of the Welland and Nene works;

(*f*) dispose of spoil or other material;

(*g*) execute any works for the protection of any adjoining lands or buildings;

PART II —*cont.*

(*h*) remove, alter, divert or stop up any watercourse or local authority sewer, the River Authority providing a proper substitute before interrupting the flow of sewage in any sewer or water in any watercourse;

(*i*) fell, lop or cut and remove any tree, bush, shrub or other vegetation; and

(*j*) alter any mains, pipes, wires and other works and apparatus for conveying or transmitting water, gas, electricity or petroleum (as defined in the Petroleum (Consolidation) Act, 1928):

1928 c. 32.

Provided that in so far as the works authorised by subsection (1) of this section are not carried out within twelve months of the completion of the Welland and Nene works they shall not be deemed for the purposes of any development order made under section 14 of the Town and Country Planning Act, 1962, to be development authorised by any local or private Act of Parliament which designates specifically both the nature of the development thereby authorised and the land upon which it may be carried out.

1962 c. 38.

(2) In the exercise of the powers conferred by this section, the River Authority shall cause as little detriment and inconvenience to any person as circumstances admit.

(3) Within the limits of deviation of the Welland and Nene works shown on the deposited plans the River Authority may raise, lower or otherwise alter the position of any steps, areas, cellars, windows, pipes or spouts belonging to any house or building, and may remove all other obstructions so that the same be done with as little delay or inconvenience to the inhabitants as circumstances admit.

(4) The powers of paragraph (*c*) of subsection (1) of this section shall not be exercised by the River Authority in relation to a bridge carrying a 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 the Minister of Transport.

Stopping up of roads, bridleways and footpaths.

7.—(1) (*a*) The River Authority may stop up the roads, bridleways and footpaths in the rural district of Oakham in the county of Rutland described in column (1) of Schedule 2 to this Act between the points specified in column (2) of that Schedule and thereupon all rights of way over or along the said roads, bridleways and footpaths shall be extinguished.

PART II —*cont.*

(*b*) No part of the road (classified road A.606) between the points marked A1 to A2 on the deposited plans shall be stopped up under the powers of this subsection until the new road (Work No. 13) is completed.

(2) The River Authority may also stop up so much of any other roads, bridleways or footpaths within the limits of deviation of the Welland and Nene works as may be situate on any lands acquired by the River Authority under the powers of section 12 (Power to acquire lands) of this Act, which are required for the purpose of any of those works or for obtaining materials for the construction thereof, and thereupon all public rights of way over any such portions of roads, bridleways and footpaths shall be extinguished.

(3) No portion of any road, bridleway or footpath shall be stopped up under the powers of this section until the River Authority are in possession of all lands abutting on both sides of such portion except so far as the owners, lessees and occupiers of those lands may otherwise agree.

Vesting and maintenance of roads.

8.—(1) The new roads (Work No. 13 and Work No. 14 respectively) shall be constructed in accordance with such specifications and requirements as may be reasonably prescribed by the Rutland County Council and to their reasonable satisfaction.

(2) When the construction of the new roads has been completed in accordance with subsection (1) of this section, the River Authority shall transfer the new roads and the subsoil to the Rutland County Council and thereupon the new roads (together with the subsoil thereof) shall vest in that council as highways maintainable at the public expense:

Provided that the River Authority shall be liable to pay for the reasonable cost of any maintenance and repair works during a period of one year from the vesting of the roads in the Rutland County Council.

(3) After the new roads are, pursuant to the foregoing provisions of this section, vested in the Rutland County Council the council shall, at the written request of the River Authority, comply with any necessary procedures or formalities to enable the new roads to be adopted as public highways.

(4) Any difference which may arise between the River Authority and the Rutland County Council under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by arbitration.

PART II —*cont.*

Further road works and car parks.

9. The River Authority shall in addition to the new roads (Works Nos. 13 and 14) construct such further road works and make such provision as regards car parks as may be agreed between the River Authority and the Rutland County Council or in default of agreement determined by the Minister of Transport to be reasonably necessary, in the case of the road works for providing communication between the villages of Edith Weston and Empingham and in the case of the car parks for enabling the public to enjoy such recreational facilities as may be provided in connection with the Empingham Reservoir (Work No. 12).

Powers to Water Board to construct works.

10.—(1) Subject to the provisions of this Act, the Water Board may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the counties of Leicester, Northampton and Rutland the works hereinafter described together with all necessary works and conveniences connected therewith, namely:—

In the rural districts of Oakham and Uppingham—

Work No. 16 A pipe connection and pumping station (to be called " the Empingham Pumping Station ") in the parish of Empingham in the rural district of Oakham, situated on the right bank of the river Gwash below the foot of the dam of the Empingham Reservoir (Work No. 12) in the enclosures numbered 0005 and 0515 on the 1/2500 ordnance map SK 9408 and SK 9508 (edition of 1967);

Work No. 17 An aqueduct or line or lines of pipes commencing in the said parish of Empingham at the Empingham Pumping Station (Work No. 16), passing into and through the parishes of Normanton and Edith Weston in the rural district of Oakham, the parish of North Luffenham in the rural district of Uppingham, the parish of Lyndon in the rural district of Oakham and the parish of Pilton in the rural district of Uppingham and terminating at the Wing Treatment Works (Work No. 18) in the parish of Wing in the rural district of Uppingham;

Work No. 18 Treatment works and a pumping station (to be called " the Wing Treatment Works ") in the said parish of Wing in the enclosures numbered 103, 113, 114 and 119 on the 1/2500 ordnance map of Rutland, sheet XIII.3 (edition of 1904);

Work No. 19 An aqueduct or line or lines of pipes commencing in the said parish of Wing at the Wing

PART II —*cont.*

Treatment Works (Work No. 18), passing into and through the parish of Morcott in the rural district of Uppingham and terminating in the said parish of Pilton at the disposal works (Work No. 20);

Work No. 20 Disposal works in the said parish of Pilton in the enclosures numbered 62 and 64 on the 1/2500 ordnance map of Rutland, sheet XIII.4 (edition of 1904):

In the rural districts of Kettering, Market Harborough and Uppingham—

Work No. 21 An aqueduct or line or lines of pipes commencing in the said parish of Wing at the Wing Treatment Works (Work No. 18), passing into and through the parishes of Glaston, Bisbrooke, Seaton, Lyddington, Thorpe by Water and Caldecott in the rural district of Uppingham, the parish of Great Easton in the rural district of Market Harborough and the parishes of Rockingham and Cottingham in the rural district of Kettering and terminating in the parish of Middleton in the rural district of Kettering at the Beanfield Service Reservoirs (Work No. 22);

Work No. 22 A service reservoir or reservoirs and a pumping station or pumping stations (to be called "the Beanfield Service Reservoirs") in the said parish of Middleton in the enclosures numbered 0065 and 0854 on the 1/2500 ordnance map SP 8588 and SP 8688 (edition of 1964):

In the urban districts of Corby and Rothwell and the rural districts of Brixworth, Kettering and Wellingborough—

Work No. 23 An aqueduct or line or lines of pipes commencing in the said parish of Middleton at the Beanfield Service Reservoirs (Work No. 22), passing into and through the urban district of Corby, the parishes of Newton (detached) and Rushton in the rural district of Kettering, the urban district of Rothwell, the parishes of Thorpe Malsor, Cransley, Broughton and Pytchley in the rural district of Kettering, the parish of Orlingbury in the rural district of Wellingborough and the parish of Walgrave in the rural district of Brixworth and terminating in the parish of Hannington in the rural district of Brixworth at the Hannington Service Reservoirs (Work No. 25);

PART II —*cont.*

Work No. 24 An aqueduct or line or lines of pipes commencing in the said parish of Rushton by a junction with the aqueduct (Work No. 23) at reference point SP 8529 8548, passing into and through the urban district of Corby and terminating in the parish of Newton in the rural district of Kettering at reference point SP 8602 8507;

Work No. 25 A service reservoir or reservoirs (to be called " the Hannington Service Reservoirs ") in the said parish of Hannington in the enclosures numbered 34, 34a and 36a on the 1/2500 ordnance map of Northamptonshire, sheet XXXI.16 (edition of 1900), being lands adjoining the existing Hannington Reservoir of the Water Board.

(2) The Water Board may from time to time renew and alter the works described in subsection (1) of this section.

Temporary stoppage of watercourses, highways, etc.

11.—(1) The River Authority during and for the purposes of the execution of any of the Welland and Nene works, and the Water Board during and for the purposes of the execution of any of the Mid-Northamptonshire works, may temporarily stop up, alter, divert or otherwise interfere with any watercourse or any highway 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 to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

(2) The appropriate authority shall provide reasonable access for foot passengers, with or without animals, bona fide going to or from any such land, house or building.

(3) (*a*) The powers of subsection (1) of this section shall not be exercised in relation to a highway—

(i) in the case of any trunk road, without the consent of the Minister of Transport;

(ii) in the case of any other 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 the Minister of Transport; and

PART II —*cont.*

(iii) in the case of a highway upon which a service of stage carriages or express carriages is operated, unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised.

(*b*) The powers of subsection (1) of this section shall not be exercised in relation to any watercourse without providing a proper substitute before interrupting the passage of water in or through such watercourse, and the appropriate authority shall make compensation for any damage caused to any person by the exercise of such powers in relation to any watercourse, the amount of such compensation being, in case of dispute, determined by the tribunal.

PART III

LANDS

Power to acquire lands.

12.—(1) Subject to the provisions of this Act—

(*a*) the River Authority may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the Welland and Nene works, for the purpose of obtaining access thereto, obtaining materials for the construction thereof, depositing spoil or other material excavated during the construction thereof or otherwise for the purposes of this Act or other purposes connected therewith;

(*b*) the Water Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the Mid-Northamptonshire works, or for the purpose of obtaining access thereto, or obtaining materials for the construction thereof, depositing spoil or other material excavated during the construction thereof or otherwise for the purposes of this Act or other purposes connected therewith.

(2) (*a*) The powers of the River Authority and the Water Board for the compulsory acquisition of lands under this section shall not be exercised after the 31st December, 1972.

(*b*) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 31st December, 1972, notice to treat has been served in respect of that land.

Correction of errors in deposited plans and book of reference.

13.—(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 appropriate authority, after giving not less than

PART III —*cont.*

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 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 of the House of Commons, and with the clerk of the Huntingdon and Peterborough County Council, the Leicester County Council, the Lincoln (Parts of Kesteven) County Council, the Northampton County Council or the Rutland County Council (as the case may require), and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any copy so deposited, 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 appropriate authority to take the land and execute the works in accordance with the certificate.

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

Acquisition of part only of certain properties.

14.—(1) Where a copy of this section is endorsed on, or annexed to, a notice to treat served under the Act of 1965, as applied by this Act, the following provisions of this section shall apply to the land subject to the notice instead of subsection (1) of section 8 of that Act.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house, together with any park or garden belonging thereto or part only of an agricultural unit, then, if the person on whom the notice is served, within twenty-one days after the day on which the notice is served on him, serves on the appropriate authority a counter-notice objecting to the sale of the part and stating that he is willing and able to sell the whole (hereinafter in this section referred to as "the land subject to the counter-notice"), the question whether he shall be required to sell the part shall, unless the appropriate authority agree to take the land subject to the counter-notice, be referred to the tribunal.

PART III —*cont.*

(3) If the said person does not serve such a counter-notice as aforesaid within twenty-one days after the day on which the notice to treat is served on him, or if on such a reference to the tribunal the tribunal determine that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, or, in the case of part of land consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(4) If on such a reference to the tribunal the tribunal determine that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(5) If on such a reference to the tribunal the tribunal determine that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the appropriate authority are authorised to acquire compulsorily under this Act.

(6) If the appropriate authority agree to take the land subject to the counter-notice, or if the tribunal determine that—

(*a*) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(*b*) the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the appropriate authority are authorised to acquire compulsorily under this Act.

PART III —*cont.*

(7) In any case where by virtue of a determination by the tribunal under subsection (4), (5) or (6) of this section, a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice the appropriate authority may, within six weeks after the tribunal make their determination, withdraw the notice to treat, and if they do so shall pay to the said person compensation for any loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

(8) Where a person is under this section required to sell part only of a house, building or factory, or of land consisting of a house together with any park or garden belonging thereto or of an agricultural unit, the appropriate authority shall pay to him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

(9) In this section "agricultural unit" has the meaning assigned to that expression by section 109 of the Agriculture Act, 1947.

1947 c. 48.

Power to acquire easements only.

15.—(1) The appropriate authority may, instead of acquiring any land which they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of constructing, using, maintaining or renewing the Welland and Nene works or the Mid-Northamptonshire works (as the case may be) or for the purpose of obtaining access to those works or for the purpose of doing any other thing necessary in connection with those works.

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

(3) Where the appropriate authority have acquired an easement or right only over or in any land under this section—

(*a*) they shall not be required or, except by agreement or during the execution of the Welland and Nene works or the Mid-Northamptonshire works (as the case may be), entitled to fence off or sever that land from the adjoining land;

(*b*) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

PART III —*coni.*

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the appropriate authority to acquire the land, the appropriate authority shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land, or in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the appropriate authority may acquire the land compulsorily after the date mentioned in subsection (2) of section 12 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Easements only to be acquired by the appropriate authority for underground works.

16. Notwithstanding anything in section 12 (Power to acquire lands) or in subsections (1) to (3) of section 15 (Power to acquire easements only) of this Act, the River Authority shall not acquire compulsorily any land required only for the construction of Works Nos. 1D, 3, 4, 5, 8 and 9, and the Water Board shall not acquire compulsorily any land required only for the construction of Works Nos. 17, 19, 21, 23 and 24 (other than any works to be constructed on the surface of the ground forming part of, or connected with, any of those works) if the owners thereof are able and willing to grant or sell to the appropriate authority such easements or rights in that land as may be sufficient for the purpose of constructing, maintaining and protecting any such work as aforesaid at a price to be agreed or, failing agreement, to be determined by arbitration in accordance with the provisions of the Act of 1961.

Disregard of recent improvements and interests.

17. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed, or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was, at the time of the erecting, executing or making of the building, works, improvement or alteration, directly or indirectly concerned if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration (as the case may be) was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

PART III —*cont.*

Extinction of private rights of way.

18.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on the entry on the land in pursuance of subsection (1) of section 11 of the Act of 1965 as applied by this Act, whichever is the sooner.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the appropriate authority compensation, to be determined, in case of dispute, under, and in accordance with, the Act of 1961.

Grant of easements by persons under disability.

19.—(1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the appropriate authority any easement or right required for the purposes of this Act over or in the lands, not being an easement or right of water in which some person other than the grantor has an interest.

(2) The provisions of the Act of 1965 with respect to lands and rentcharges as far as they are applicable, shall extend and apply to any such grant and to any such easement or right as aforesaid.

Provision of substituted sites.

20.—(1) The powers of the River Authority and the Water Board to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Act.

(2) The River Authority may erect houses and other buildings on any land acquired for the purpose of providing a substituted site and may sell or lease such land to the occupier of the land for whom the substituted site has been provided on such terms and conditions as they think fit.

Agreements with adjoining owners.

21.—(1) The appropriate authority may enter into, and carry into effect, agreements with any person being the owner of, or interested in, any land adjoining any portion of the Welland and Nene works or the Mid-Northamptonshire works (as the case may be), or of land which may be acquired by the appropriate authority under this Act, with respect to the sale by the appropriate authority to him (subject to such reservations, restrictions or other provisions as to the appropriate authority seem fit) of any land not required for the said works.

(2) The appropriate authority may accept as satisfaction for the whole or any part of the consideration for any such sale the

grant by the purchaser of any land required by the appropriate authority for the purposes of this Act or any easement or right so required. PART III —*cont.*

Power to reinstate occupiers of property.

22.—(1) The appropriate authority may enter into, and carry into effect, an agreement or arrangement with the occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land and for that purpose the appropriate authority may pay or receive money for equality of exchange.

Normanton Parish Church.

23.—(1) In this section—

" the bishop " means the bishop of the diocese of Peterborough;

" the church lands " means the parish church of Saint Matthew, Normanton, and the churchyard (including the footpath giving access to the church and churchyard) appurtenant thereto being the land numbered 17 in the parish of Normanton in the rural district of Oakham in the county of Rutland on the deposited plans;

" executor " includes an administrator or a relative of a deceased person;

" memorial " means any object erected, placed or planted for the commemoration of the dead and includes any wall, kerb or railing protecting, enclosing or marking the grave or memorial.

(2) If on or before the date of commencement of the first filling of the Empingham Reservoir (Work No. 12) the church lands have been acquired by the River Authority under the powers of this Act they shall as from that date be freed and discharged—

(*a*) from all trusts, uses, obligations and restrictions whatsoever, including the effects of consecration which immediately before the said date attached thereto under ecclesiastical law or otherwise; and

(*b*) from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the said date by reason of the church lands, or the part thereof, having been or formed the site of a church or the enclosure of a church, or having been used or set apart for the interment of human remains (as the case may be):

Provided that nothing in this section shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over any of the said lands or any part thereof which attached thereto immediately before the passing of this Act.

PART III —*cont.*

(3) The church lands shall also be freed and discharged from all rights and interests of any person who is an executor of any deceased person whose remains are interred in the church lands.

(4) Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful for the River Authority at any time to use the church lands for any purpose connected with the Welland and Nene works in like manner as if no part thereof had ever been or formed the site of a church or the enclosure of a church or (as the case may be) been used or set apart for the interment of human remains.

(5) Before commencing to fill the Empingham Reservoir (Work No. 12) the River Authority shall, unless otherwise agreed with the executor, remove or cause to be removed therefrom the remains of all deceased persons interred therein.

(6) Before proceeding to remove any such remains the River Authority shall give notice of their intention so to do by publishing a notice once in each of two successive weeks in a newspaper circulating in the county of Rutland, with an interval between publications of not less than six days, and shall display a like notice in a conspicuous place on the church lands and such notice shall be endorsed with notice of the effect of subsections (7) to (13) of this section.

(7) At any time within two months after the first publication of such notice, any person who is an executor of any deceased person whose remains are interred in the church lands may give notice in writing to the River Authority of his intention to undertake the removal of such remains, and thereupon he shall be at liberty, without any faculty for the purpose but subject as hereinafter mentioned, and to any regulations made by the bishop, within two months from the date of such last-mentioned notice, to cause such remains to be removed to and reinterred in any other consecrated burial ground or cemetery in which burials may legally take place (but in the case of a churchyard only with the consent of the incumbent of the benefice concerned) or to be removed to, and cremated in, any crematorium.

(8) If any person giving such notice as aforesaid fails to satisfy the River Authority that he is such an executor as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese, who shall have power to make an order specifying who shall remove the remains, and as to the payment of the costs of the application, and of such reasonable fee payable to the registrar as he may determine.

PART III —*cont*

(9) The expenses of a removal and reinterment or cremation being such an amount as may be agreed between the River Authority and the executor or in default of agreement such amount as may be determined by arbitration (not exceeding in respect of remains removed from any one grave, the sum of fifty pounds to be apportioned, if necessary, equally according to the number of deceased persons whose remains are in the grave) shall be defrayed by the River Authority.

(10) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the River Authority in respect of the remains in any grave, or if after such notice has been given the person giving it, or, as the case may be, the person specified in any order made under subsection (8) of this section (not being the River Authority) fails to comply with a provision of this section, the River Authority may, without any faculty for that purpose, remove the remains of the deceased person and cause them to be reinterred in such other consecrated burial ground or cemetery in which burials may legally take place as the River Authority think suitable for that purpose, or cremated in such crematorium as the River Authority think suitable for such last-mentioned purpose, but, in the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall be required.

(11) Upon any removal of remains from any part of the church lands the River Authority shall deposit with the Registrar General a certificate of removal and reinterment or cremation giving the dates of removal and reinterment or cremation, respectively, identifying the place from which the remains were removed and the place in which they were reinterred or cremated and showing the particulars of each removal separately.

(12) Every tombstone and memorial on the church lands shall, at the expense of the River Authority, be removed and re-erected—

(*a*) at the place of reinterment or cremation of the remains of the deceased person whom it commemorates;

(*b*) at such other place as may be agreed between the River Authority and such executor as aforesaid; or

(*c*) (i) in any case where application in that behalf is made to the bishop by such executor as aforesaid; or

(ii) as respects any tombstone relating to the remains of any deceased person removed from the church lands;

at such place as the bishop may direct:

PART III —*cont.*

Provided that in the case of a tombstone or memorial in respect of which there is no agreement with or no application is made by such executor as aforesaid, it shall not be necessary to re-erect the tombstone or memorial if the River Authority consider that, by reason of its ruinous condition, it is unsuitable for re-erection, and any such tombstone or memorial may be disposed of in such manner as the River Authority may direct.

(13) The River Authority shall cause a record to be made of each tombstone or memorial taken from the church lands under this section containing—

(*a*) a copy of any legible inscription on it; and

(*b*) if it is intended to preserve the tombstone or memorial a statement naming the place to which it has been taken;

and shall deposit a copy of the record with the Registrar General.

(14) The removal of the remains of any deceased person under this section shall be carried out in accordance with any directions given by the Secretary of State.

Compensation for ecclesiastical property.

24.—(1) Any compensation payable under this Act in respect of ecclesiastical property shall be paid to the Church Commissioners and shall be applied by the commissioners—

(*a*) if the property is not consecrated land, for the purpose for which the proceeds of sale by agreement of the fee simple in the property would be applicable under any enactment or measure authorising such a sale;

(*b*) if the property is consecrated land, for such ecclesiastical and charitable purposes as they may determine after ascertaining the views of the bishop of the diocese in which the property is situated.

(2) In this section—

" benefice " means an ecclesiastical benefice of the Church of England; and

" ecclesiastical property " means land belonging to a benefice of the Church of England or being or forming part of—

(i) a church or churchyard subject to the jurisdiction of the bishop of any diocese of the Church of England; or

(ii) a burial ground so subject.

PART IV

ABSTRACTIONS, IMPOUNDING WORKS AND DISCHARGES

Interpretation for purposes of Part IV.

25. In this Part of this Act—

" approved " means approved by the Water Resources Board;

" day " means a period of twenty-four hours reckoned from nine o'clock in the morning;

" gauge " means an automatically recording measuring gauge of approved design.

Power to River Authority to abstract water from river Nene.

26.—(1) The River Authority may by means of the intake forming part of Work No. 2 abstract water from the river Nene:

Provided that the River Authority shall not abstract water from the river Nene at any time when the rate of flow in the river is, or so as to reduce the rate of flow in the river to, less than 30,000,000 gallons per day.

(2) For the purpose of this section the rate of flow of the river Nene shall be measured at the existing gauging station of the River Authority at Orton Lock.

Power to River Authority to abstract water from river Welland.

27.—(1) The River Authority may by means of the intake forming part of Work No. 7 abstract water from the river Welland:

Provided that the River Authority shall not abstract water from the river Welland at any time when the rate of flow in the river is, or so as to reduce the rate of flow in the river to, less than 8,000,000 gallons per day.

(2) For the purpose of this section the rate of flow of the river Welland shall be measured by the existing weir as reconstructed and improved by the construction of Work No. 6.

Discharge of water from reservoir into river Gwash.

28.—(1) During the first filling of the Empingham Reservoir (Work No. 12) the River Authority shall at all times discharge water from the reservoir into the river Gwash at a rate of not less than 1,000,000 gallons per day in a uniform and continuous flow:

Provided that, if at any time until on first filling the water level in the said reservoir has reached the level of 205 feet above ordnance datum (Newlyn) the rate of flow of water into the

PART IV —*cont.*

reservoir as measured by gauges at reference points SK 8974 0852 and SK 8964 0625, does not exceed 1,000,000 gallons per day, the River Authority shall only be required so to discharge water into the river Gwash at the rate at which water so flows into the reservoir.

(2) On and after the date of the completion of the construction of the Empingham Reservoir (Work No. 12)—

(*a*) the River Authority shall discharge from the reservoir into the river Gwash water at a rate of not less than 1,000,000 gallons per day measured by a gauge on an approved site in a uniform and continuous flow; and

(*b*) the River Authority may discharge from the reservoir into the river Gwash water at such greater rate as the River Authority may from time to time think fit.

Power to take waters of the river Gwash and other rivers and streams.

29.—(1) Subject to the provisions of this Act, the River Authority may collect, intercept and impound for the purpose of augmenting the water resources of their area the waters of the river Gwash and all such other watercourses as may be taken and intercepted by means of the Empingham Reservoir (Work No. 12).

(2) During the construction of the Empingham Reservoir (Work No. 12) the River Authority may take from the river Gwash, or any such streams, springs, tributaries and feeders, within the limits of deviation for the reservoir, such water as they may require for the construction of the Welland and Nene works.

(3) Subject to the provisions of this Act, the River Authority may raise or lower or regulate the water, or the level or the flow of water, in the river Gwash and all such streams, tributaries and feeders as may be intercepted by means of the Empingham Reservoir (Work No. 12), or any of them, to such extent as may be necessary for the purpose of the construction or operation of the Welland and Nene works.

Abstractions to be licensed under Act of 1963.

30.—(1) The following provisions of this Part of this Act (that is to say):—

Section 26 (Power to River Authority to abstract water from river Nene);

Section 27 (Power to River Authority to abstract water from river Welland);

PART IV —*cont.*

Subsection (2) of section 29 (Power to take waters of the river Gwash and other rivers and streams);

shall be deemed to be included in licences under the Act of 1963 granted to the River Authority by the Minister.

(2) Each such licence shall be deemed to have been granted on the passing of this Act and shall remain in force until revoked under the Act of 1963.

(3) Except as may be otherwise provided by this Act or as may be inconsistent therewith, the provisions of the Act of 1963 shall apply to a licence deemed by the foregoing provisions of this section to have been granted under the Act of 1963 as they apply to a licence granted under that Act.

Drought orders.

31.—(1) If the Minister is satisfied that by reason of an exceptional shortage of rain a serious deficiency of supplies of water in the area of the River Authority exists or is threatened, he may, subject to the provisions of this section, on the application of the River Authority, make an order containing such provisions as appear to him to be expedient with a view to meeting the deficiency for suspending or modifying, subject to any specified conditions, and for a period not exceeding six months, any restriction or obligation to which the River Authority are subject under either or both the licences deemed to have been granted by section 26 (Power to River Authority to abstract water from river Nene) and section 27 (Power to River Authority to abstract water from river Welland) of this Act; and the Minister may include in the order such supplemental, incidental and consequential provisions as appear to him to be expedient for those purposes.

(2) In the exercise of his power to make orders under this section the Minister shall have regard to the interests of all persons concerned in the conservation or use of the water to which the order relates.

(3) The provisions of Part I of Schedule 3 to this Act shall have effect in relation to the procedure to be followed in connection with the making of orders under the preceding provisions of this section, and the provisions of Part II of the said schedule shall have effect with respect to the payment of compensation to persons affected by orders so made.

(4) The Minister may by order revoke any order made by him under this section.

PART IV —*cont.*

(5) If the River Authority take water from the river Nene or the river Welland in contravention of a restriction contained in an order under this section they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable—

(i) on summary conviction of an offence under this subsection, to a fine not exceeding one hundred pounds; and

(ii) on conviction on indictment of an offence under this subsection, to a fine.

Empingham Reservoir dam deemed to be constructed under impounding licence.

32.—(1) The dam by means of which the Empingham Reservoir (Work No. 12) is formed and any impounding works constructed under subsection (3) of section 29 (Power to take waters of the river Gwash and other rivers and streams) of this Act shall be deemed to have been constructed under licences under section 36 of the Act of 1963 granted by the Minister to the River Authority and the provisions of subsection (2) of section 28 (Discharge of water from reservoir into river Gwash) of this Act shall be deemed to be included in the licence under which the said dam is deemed to have been constructed and those of subsection (1) of that section in the licence under which the said impounding works have been constructed.

(2) Except as may be otherwise provided by this Act, the provisions of the Act of 1963 relating to licences granted under section 36 of that Act shall apply to the licences deemed by the foregoing subsection to have been granted under that section as they apply to those so granted.

Power to River Authority to divert watercourses.

33.—(1) It shall be lawful for the River Authority to divert and alter the course or the flow of water in, into or out of any watercourse on any lands acquired or appropriated by them for the purposes of the Welland and Nene works, and the existing bed, banks and channel of the diverted portion of such watercourse shall by virtue of this Act vest in the River Authority and may be appropriated and used by the River Authority for the purposes of or in connection with those works.

(2) In the exercise of the powers conferred by this section the River Authority shall do as little damage as may be.

Discharge into river Glen.

34. The River Authority may by means of a main laid under section 19 of the Third Schedule, as applied to them by subsection (3) of section 69 of the Act of 1963, discharge into the river Glen water abstracted from the river Gwash:

Provided that—

(*a*) the water so discharged shall be discharged at any point between reference points TF 0394 1339 and TF 0600 1099;

PART IV —*cont.*

(*b*) the power conferred on the River Authority by this section shall not be exercised unless and until—

(i) they have acquired the land from which the discharge is to be made or the necessary interest therein; and

(ii) a licence to abstract water from the river Gwash has been granted and then only subject to and in accordance with the terms of that licence.

Power to Water Board to abstract water.

35.—(1) The Water Board may, by means of the pipe connection and pumping station (Work No. 16) or by such other means as shall be agreed between the Water Board and the River Authority, take from the Empingham Reservoir (Work No. 12)—

(*a*) in any year a quantity of water not exceeding 13,140,000,000 gallons; and

(*b*) in any day a quantity of water not exceeding 45,000,000 gallons.

(2) For the purposes of section 56 of the Act of 1963 (which contains transitional provisions for the purposes of Part IV of that Act) subsection (1) of this section shall be deemed to be a statutory provision coming into operation, as from the date on which construction of the Empingham Reservoir (Work No. 12) is completed, in pursuance of an application made before the end of the initial period referred to in that section; and any licence granted in pursuance of the said section 56 in respect of such a statutory provision shall, for the purposes of section 46 of the Act of 1963, be deemed to be granted at the date of the passing of this Act.

(3) Without prejudice to the provisions of subsection (2) of this section, until, on first filling of the Empingham Reservoir (Work No. 12), water reaches the level of 270 feet above ordnance datum (Newlyn), the actual quantities of water which are or could reasonably be made available for taking by the Water Board from the reservoir in any year and in any day shall be determined by agreement between the River Authority and the Water Board or, in default of agreement, by the Minister on an application made to him by the Water Board.

Entitlement of Leicester Corporation.

36.—(1) In this section—

"the corporation" means the lord mayor, aldermen and citizens of the city of Leicester acting by the council of the city;

"the first relevant date" means the date on which in accordance with the provisions of section 35 (Power to Water Board to abstract water) of this Act the Water

PART IV —*cont.*

Board are entitled to take 5,000,000 gallons of water in any day from the Empingham Reservoir (Work No. 12); and

"the second relevant date" means the date on which the Water Board are able to take 18,000,000 gallons of water in any day from the said reservoir.

(2) Subject to the provisions of this section, as from the first relevant date the corporation shall be entitled to, and to have afforded to them by the Water Board and the Water Board shall afford to the corporation, such quantities of water as the corporation may require for the purposes of their water undertaking not exceeding, until the second relevant date, two-ninths of the quantity of water which the Water Board are from time to time able to take from the Empingham Reservoir (Work No. 12) in any day, and, after that date, 4,000,000 gallons in any day.

(3) The quantities of water which the corporation are entitled to, and to have afforded to them by the Water Board, shall be so afforded in such manner and on such terms and conditions as may be agreed between the Water Board and the corporation or, in default of agreement, as may be determined by the Minister on an application by either party.

(4) Nothing in subsection (2) of this section shall prejudice or affect the powers of the River Authority under section 43 of the Act of 1963 but, where a licence granted to the Water Board in pursuance of section 56 of that Act by virtue of section 35 (Power to Water Board to abstract water) of this Act is revoked or varied under section 44 of the Act of 1963, section 46 of that Act shall apply for the purposes of this subsection as if the quantities of water which the corporation are entitled to, and to have afforded to them by the Water Board, under subsection (2) of this section were quantities of water which the corporation are authorised to abstract from a source of supply in pursuance of a licence granted to the corporation by the River Authority under the Act of 1963 on the date of the passing of this Act.

PART V

FINANCE

Power of River Authority to borrow.

37.—(1) The River Authority may borrow, 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.

PART V —*cont.*

Purpose for which money may be borrowed (1)	Amount (2)	Maximum period for repayment of loan (3)
(*a*) The purchase of lands and easements and payment of compensation for rights for the Welland and Nene works	The sum required	Sixty years.
(*b*) The construction, first filling and testing of Work No. 12	£9,100,000	Sixty years.
(*c*) The construction of Works Nos. 1A, 1B, 1C, 4, 6A, 6B, 6C, 7A, 9, 10A, 12A, 13, 14 and 15	£2,900,000	Sixty years.
(*d*) The construction of Works Nos. 1, 2, 3, 5, 6, 7, 8, 10, 11, 11A and 11B, except electrical supply works, transformers, switchgear and pumping plant forming part of Works Nos. 2, 7 and 10	£2,100,000	Fifty years.
(*e*) The construction of Work No. 1D and the provision of electrical supply works, transformers and switchgear	£450,000	Thirty years.
(*f*) The provision of pumping plant	£1,000,000	Fifteen years.
(*g*) The payment of the costs, charges and expenses of this Act payable by the River Authority	The sum required	Five years.

(2) Every sum borrowed under subsection (1) of this section shall be repaid within such period from the date of borrowing as the River Authority without the consent of any sanctioning authority may determine, not exceeding the period specified in relation thereto in the third column of the said table.

(3) The River Authority may also with the sanction of the Minister borrow such further sums as may be necessary for any of the purposes of this Act, and any sum borrowed under the powers of this subsection shall be repaid within such period, not exceeding sixty years, from the date of borrowing as the River Authority, with the consent of the Minister, may determine.

PART V —*cont.*

(4) The means by which the River Authority may raise the money which they are authorised to borrow under this section shall include the issue of stock or the issue of bonds and accordingly subsection (5) of section 92 of the Act of 1963 shall have effect as if—

1933 c. 51.

(*a*) paragraph (*b*) of subsection (1) of section 196 and section 204 of the Local Government Act, 1933, were included among the provisions of that Act applicable to the borrowing of money under subsection (2) of the said section 92 and the said subsection (2) shall be construed accordingly;

1963 c. 46.

(*b*) section 7 of and Schedule 1 to the Local Government (Financial Provisions) Act, 1963, were applicable to the borrowing of money under the said subsection (2); and

(*c*) the money borrowed under this Act was borrowed under that subsection.

Application of provisions of Local Government (Financial Provisions) Act, 1963, to borrowing by River Authority for purposes of Act.

38.—(1) The River Authority shall in relation to the borrowing of money for the purposes of this Act have the powers and be subject to the restrictions and duties conferred or imposed on local authorities by the provisions of the Local Government (Financial Provisions) Act, 1963, mentioned in subsection (2) of this section and those provisions shall apply to the River Authority with any necessary modifications as if the River Authority were a local authority other than a parish council.

(2) The provisions of the Local Government (Financial Provisions) Act, 1963, referred to in subsection (1) of this section are subsections (1), (3) and (4) of section 8 and subsections (1) to (4) of section 10.

(3) Subsection (6) of section 92 of the Act of 1963 shall not apply to money borrowed by the River Authority for the purposes of this Act.

Loans by public authorities to River Authority.

39.—(1) (*a*) A public authority may lend to the River Authority and the River Authority may borrow from the public authority such money as the public authority think fit to lend and as the River Authority are authorised to borrow for the purpose for which such money is proposed to be borrowed and any moneys so lent shall be repaid to the public authority by the River Authority within the period prescribed by the sanctioning authority or otherwise for the repayment thereof.

(*b*) Any agreement under this subsection may be made by resolutions passed respectively by the public authority and by the River Authority.

(*c*) A public authority may borrow such sums as may be required for the purpose of lending money to the River Authority under this subsection and in a case where the borrowing of money

by the public authority is subject to the provisions of Part IX of the Local Government Act, 1933, those provisions shall extend to money borrowed by the public authority under this subsection as if it were borrowed under the said Part IX: PART V —*cont.* 1933 c. 51.

Provided that the consent of the sanctioning authority shall not be required.

(*d*) Every sum borrowed by a public authority under this subsection shall be repaid within the period to expire not more than one year after that for which the same was lent by them to the River Authority.

(*e*) A public authority shall be entitled to charge such rate of interest in respect of any particular loan under this subsection as may be agreed between the public authority and the River Authority.

(2) In this section " public authority " means—

(*a*) the council of a county, county borough, borough or county district, the whole or any part of whose district is within the area of the River Authority;

(*b*) any statutory water undertakers the whole or any part of whose limits of supply is within the area of the River Authority;

(*c*) the development corporation of a new town within the area of the River Authority;

(*d*) any authority which under the Town Development Act, 1952, is eligible to participate in the carrying out of town development (as defined in that Act) within the area of the River Authority. 1952 c. 54.

Agreements with statutory undertakers as to cost of constructing, etc., Welland and Nene works.

40. The River Authority may enter into an agreement with any statutory water undertakers who are to be or may be afforded (either directly or indirectly) a supply of water from the Empingham Reservoir (Work No. 12) with respect to the defraying by such statutory water undertakers of any expenses payable by the River Authority in respect of the cost of constructing, maintaining or operating the Welland and Nene works or any part of those works which do or may not fall to be met by charges levied by the River Authority under the charging scheme under section 58 of the Act of 1963 for the time being in force.

Power of Water Board to borrow.

41.—(1) The Water 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 column (1) of the following table, the sum specified in relation thereto in column (2) of that table.

PART V —*cont.*

(2) Every sum borrowed under paragraph (*a*) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Water Board, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under paragraph (*b*) of subsection (1) of this section shall be repaid within such period from the date of borrowing as the Water Board, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in column (3) of the following table.

(4) 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.

1933 c. 51.

Purpose for which money may be borrowed (1)	Amount (2)	Maximum period for repayment of loan (3)
(*a*) The purchase of lands and easements and payment of compensation for rights for the Mid-Northamptonshire works	The sum required	Sixty years.
(*b*) The construction of Works Nos. 16, 17, 21, 22, 23, 24 and 25 (except pumping plant forming part of Works Nos. 16 and 22)	£5,448,500	Fifty years.
(*c*) The construction of Works Nos. 18, 19 and 20 (except pumping plant and treatment plant)	£1,450,000	Forty years.
(*d*) The provision of treatment plant forming part of Work No. 18	£700,000	Twenty years.
(*e*) The provision of pumping plant forming part of Works Nos. 16, 18 and 22	£464,000	Fifteen years.
(*f*) The payment of the costs, charges and expenses of this Act payable by the Water Board	The sum required	Five years.

Application of provisions of Local Government (Financial Provisions) Act, 1963, to Water Board.

1963 c. 46.

42.—(1) The Water Board shall have the powers and be subject to the restrictions and duties conferred or imposed on local authorities by the provisions of the Local Government (Financial Provisions) Act, 1963, mentioned in subsection (2) of this section and, subject to the provisions of the Mid-Northamptonshire Water Board Acts and Orders, 1948 to 1970, those provisions shall

apply to the Water Board with any necessary modifications as if the Water Board were a local authority other than a parish council. PART V —*cont.*

(2) The provisions of the Local Government (Financial Provisions) Act, 1963, referred to in subsection (1) of this section are the following:— 1963 c. 46.

Subsections (1) and (2) of section 7, subsections (1), (3) and (4) of section 8, subsections (1) to (4) of section 10 and Schedule 1.

Rating of Empingham Reservoir. 1967 c. 9.

43. Notwithstanding section 43 of the General Rate Act, 1967, property occupied by the River Authority for the purposes of the Welland and Nene works (in so far as those works would, if occupied for the purposes of a statutory water undertaking, be rateable) shall be rated as if the said property comprised a water hereditament within the meaning of section 31 (1) of that Act and the River Authority had in respect of that hereditament by virtue of this Act become statutory water undertakers supplying an amount of water in bulk equal to the amount of water made available by means of the said works for abstraction and abstracted, and for the purposes of Schedule 4 to that Act any statutory water undertakers abstracting an amount of water made available by means of the said works shall be deemed to be receiving that amount of water as a supply in bulk.

PART VI

SPECIAL PROVISIONS RELATING TO THE RIVER AUTHORITY

Application and extension of Act of 1963.

44.—(1) It is hereby declared that the Welland and Nene works and any works constructed for the purposes of section 34 (Discharge into river Glen) of this Act, being works to be constructed by the River Authority in the performance of their new functions, are engineering or building operations and that in constructing those works and in the exercise of the other powers of this Act the River Authority shall have, in addition to the powers of this Act, all such powers as are conferred on them by the Act of 1963 in relation to engineering or building operations.

(2) The following provisions of the Act of 1963 so far as they are applicable for the purpose shall extend and apply to the exercise by the River Authority of the powers of this Act as if references in those provisions to the Act of 1963 were references to this Act:—

Section 101 (Preservation of amenity and public rights of access);
Section 120 (Service of documents);
Section 123 (Application of Act to Crown);
Section 130 (Provisions as to telegraphic lines).

PART VI —*cont.*

(3) (*a*) Paragraph 7 of Schedule 8 to the Act of 1963 shall apply to the exercise by the River Authority of compulsory powers conferred on them by this Act as it applies to the exercise of compulsory powers conferred by an order under section 67 of the Act of 1963.

(*b*) The said paragraph 7 as so applied shall have effect as if—

(i) for references therein to the order there were substituted references to this Act; and

(ii) for references to the coming into operation of the order there were substituted references to the passing of this Act.

(4) Sections 19, 20 and 22 of and the Third Schedule as applied generally to the River Authority by subsection (3) of section 69 of the Act of 1963 shall have effect as if the expression " main " included—

(*a*) any pipe used by the River Authority in the performance of any of their new functions; and

(*b*) discharge pipes or drains.

Discharge of water into streams.

45.—(1) For the purpose of constructing, altering, enlarging, repairing, cleaning, examining or operating any works carried out in the performance of their new functions the River Authority may cause the water in any such work to be discharged into any available watercourse and for that purpose may lay and maintain all necessary discharge pipes and apparatus.

(2) In the exercise of the powers conferred by this section the River Authority shall do as little damage as may be and shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise of those powers and, for the purposes of this subsection, any extra expenditure which it becomes reasonably necessary for any public authority (including a statutory undertaker) to incur for the purpose of properly discharging their statutory functions shall be deemed to be damage sustained by them. Any question as to the amount of the compensation to be so paid shall be determined by arbitration.

(3) (*a*) The River Authority shall take all necessary steps to secure that any water discharged by them under this section shall be as free as may be reasonably practicable from mud and silt, from solid, polluting, offensive or injurious matters and from any matter prejudicial to fish or spawn, or to spawning beds or food of fish, and, if they fail to do so, shall be guilty of an offence.

PART VI —*cont.*

(*b*) Sections 46 and 47 of the Act of 1945 shall apply to any such offence as if it were an offence against that Act.

(4) (*a*) Except in a case of emergency the River Authority shall not less than seven days before commencing to discharge any water into a watercourse within the area of some other river authority give notice of their intention to the other river authority, accompanied by such particulars as it is reasonably practicable for them to give and shall not make any such discharge except in accordance with such terms and conditions as may be agreed with the other river authority:

Provided that whenever the River Authority propose to discharge water on a number of occasions during a period they may give a general notice to that effect, and the provisions of this subsection shall apply to such a notice as if it were a notice of intention to discharge water on a particular occasion.

(*b*) In this subsection the expression " river authority " shall include the Conservators of the River Thames and the Lee Conservancy Catchment Board.

Power to River Authority to carry out trial borings, etc.

46.—(1) Where the River Authority have under consideration a proposal that they should acquire any land for any purpose in connection with the performance of their new functions the Minister may on the application of the River Authority authorise them to carry out on such land experimental borings or other works for the purpose of ascertaining the nature of the underground strata (as defined in section 135 of the Act of 1963) or the presence of water therein or the quantity or quality of such water and to reinstate the land after carrying out any such works:

Provided that notice of any such application shall be given by the River Authority to the owner and occupier of the land and the Minister shall before giving his authority consider any representations made to him by such owner or occupier within fourteen days after the receipt of the notice.

(2) (*a*) Paragraph (*b*) of subsection (1) of section 111 of the Act of 1963 in its application to the River Authority shall have effect as if the power thereby conferred to enter upon and survey land included a power to exercise the powers conferred by subsection (1) of this section.

(*b*) Section 112 of the Act of 1963 in its application to the River Authority shall have effect as if references therein to section 111 of that Act were references to that section as extended by paragraph (*a*) of this subsection.

Power to require information as to ownership of land.

47.—(1) The River Authority may for the purpose of enabling them to perform any of their functions require—

(*a*) the occupier and any person having an interest in any land within or without their area, and any person who

PART VI —*cont.*

either directly or indirectly receives rent in respect of such land, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in that land, whether as freeholder, mortgagee, lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of that land; and

(*b*) any person who has sold or otherwise disposed of, leased or let any land within or without their area to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who, having been required by the River Authority in pursuance of this section to give to them any information, fails to give that information or knowingly makes any misstatement in respect thereof shall be liable to a fine not exceeding ten pounds.

(3) For the purposes of this section—

" interest " includes any legal estate or interest in land or in any rentcharge issuing out of land;

" land " means any corporeal hereditament, including a building, and includes any interest in, or right over, land.

PART VII

SPECIAL PROVISIONS RELATING TO THE WATER BOARD

Interpretation for Part VII of Act. 1949 c. ix.

48. In this Part of this Act, unless the context otherwise requires, any expression to which a meaning is assigned by the Mid-Northamptonshire Water Board Order, 1948 (in this Part of this Act referred to as " the Order of 1948 "), shall have the meaning so assigned.

Water charges

Mid-Northamptonshire water charges.

49. As from the 1st April, 1970, for the purposes of the provisions of Part XII of the Third Schedule as applied to the undertaking and incorporated with the Order of 1948, the maximum charge for a supply of water taken by meter shall be six shillings and sixpence per thousand gallons.

Supply of water where consumer has separate supply.

50.—(1) Notwithstanding anything in the Third Schedule or in any other enactment, a person shall not be entitled to demand or continue to receive for the purposes of a standby supply a supply of water from the Water Board for any premises having a separate supply of water unless he has agreed to pay to the Water Board such minimum annual sum as will provide a reasonable return on the capital expenditure incurred by

PART VII —*cont.*

the Water Board in affording such standby supply and will cover other standing charges incurred by the Water Board in order to meet the possible maximum demand for those premises and a charge per thousand gallons from time to time charged by the Water Board for supplies for purposes other than domestic purposes calculated on the quantity of water actually taken at those premises by way of a standby supply.

(2) Any questions arising under this section as to the sum and charge to be paid in respect of any supply to which this section applies 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.

(3) In this section " standby supply " in relation to any premises means a supply of water which is available for those premises but which is not ordinarily used for supplying those premises.

Extinguishment of rights to water supplies on concessionary terms.

51.—(1) The Water Board may at any time serve on the owner of any right to which this section applies a notice stating the intention of the Water Board to extinguish such right in respect of the premises and the date (not being less than twenty-eight days after the service of such notice) on which the right is to be extinguished and on the said date the right to which the notice relates shall be and is hereby extinguished and the Water Board shall cease to be under any obligation to supply water to the premises specified in the notice without payment therefor of the charge made by the Water Board for a supply of water taken by meter.

(2) As compensation for any right extinguished under the provisions of this section the Water Board shall pay to the owner such sum representing the value of that right together with all reasonable professional fees incurred by him in relation to his claim, as may be agreed between the Water Board and such owner or, in default of agreement, determined by arbitration, together with interest on such sum at the bank rate from time to time prevailing or 5 per cent. (whichever shall be the greater) from the date on which the right is so extinguished until the date of payment thereof less income tax at the standard rate then prevailing.

(3) This section applies to all rights subsisting at the passing of this Act of any person to require the Water Board to supply water by meter without payment therefor, or on payment of any sum less than the charge made by the Water Board from time to time for the supply of water taken by meter according to the quantity of water so taken, to any premises of which such person is the owner, whether or not such rights were granted for valuable consideration.

(4) If from any cause the Water Board are unable to obtain the receipt in writing of any person entitled to compensation under

PART VII —*cont.*

the provisions of subsection (2) of this section or his personal representative, they may lodge the sum of money to which such person is entitled in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925, or section 7 of the Administration of Justice Act, 1965, and a certificate given in accordance with those rules stating that such money has been so lodged shall effectively relieve and discharge the Water Board from all liability for the payment of such sum.

1925 c. 49.
1965 c. 2.

Financial provisions

Working capital.
1933 c. 51.

52. In addition to the purposes mentioned in section 195 of the Local Government Act, 1933, for which money may be borrowed, the Water Board may, with the consent of the Minister, borrow such sums as may be required for working capital.

Payments out of funds of Water Board.

53. The Water Board shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them and those arrangements shall be carried out under the supervision of the treasurer of the Water Board.

Power to constituent councils to lend money to Water Board.

54. A constituent council may lend to the Water Board any sum which the Water Board are authorised to borrow on such terms and conditions as may be agreed between the Water Board and the council.

Renewal fund.

55.—(1) The Water 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 plant, machinery, vehicles and equipment and appliances in connection therewith, furniture, fittings, meters and appliances forming part of the undertaking.

(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.

(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, subject to the provisions of subsection (4) of this section, the dividends and interest arising from such securities may also be invested in the same manner so as to accumulate at compound interest for the credit of the fund.

(4) Whenever and so long as the amount standing to the credit of the renewal fund exceeds a sum equal to 1 per cent. of the capital expenditure theretofore incurred upon the undertaking, no contributions shall be made to the fund and the dividends and interest on the fund shall not be invested but shall be treated as the income of the undertaking.

PART VII —*cont.*

(5) The amount which, subject to the provisions of the last foregoing subsection, may be set apart in any year for the formation or maintenance of the renewal fund shall not exceed a sum equal to one-fifth of 1 per cent. of the capital expenditure theretofore incurred upon the undertaking.

Insurance fund.

56.—(1) The Water Board may establish a fund (to be called " the insurance fund ") with a view to providing a sum of money which shall be available for making good all such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may be specified in a resolution of the Water Board (in this section referred to as " the specified risks ").

(2) The establishment of an insurance fund under this section shall not prevent the Water Board from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) In each year after the establishment of the insurance fund the Water Board shall pay into that fund either—

(*a*) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Water Board fully insured in some insurance office of good repute against the specified risks; or

(*b*) if the Water Board insure in some insurance office against the whole or part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Water Board may (if they think fit) discontinue the yearly payments to the fund, but if the fund is at any time reduced below the prescribed amount the Water Board shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) The Water Board shall provide the yearly payments aforesaid by contributions from the common fund.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be required to meet losses, damages, costs and expenses in respect of the specified risks, all moneys for the time being standing to the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities, and the dividends and interest arising from such securities shall, so long as the fund is less than the prescribed amount, be also invested in the same manner so as to accumulate at compound interest for the credit of the fund.

PART VII —*cont.*

(7) (*a*) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Water Board in respect of the specified risks in the order of the dates on which such losses, damages, costs or expenses become ascertained and, if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses, the Water Board may, with the sanction of the Minister, borrow at interest such sums of money as will be necessary to make up the deficiency.

(*b*) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the common fund.

(8) In this section—

" insurance office " means—

(*a*) an insurance company; or

(*b*) an underwriter being a member of an association of underwriters;

" prescribed amount " means such sum (not being in any year less than ten times the sum payable to the insurance fund in that year pursuant to subsection (3) of this section) as may from time to time be prescribed by the Water Board.

Miscellaneous

Modification of provisions of Third Schedule.

57. The provisions of the Third Schedule mentioned in column (1) of Schedule 4 to this Act, as applied to the undertaking by the Order of 1948, shall have effect subject to the modifications specified in relation thereto in column (2) of the said schedule.

Amendment of section 17 of Order of 1948.

58.—(1) Section 17 (Appointment and remuneration of officers) of the Order of 1948 shall have effect as if—

(*a*) in subsection (1) for the words " a clerk and treasurer " there were substituted the words " a whole-time engineer, a clerk and a treasurer (which two latter offices may, at the discretion of the Board, be held by the same person) "; and

(*b*) for subsection (2) there were substituted the following subsection:—

" (2) The Board may pay their engineer, clerk, treasurer and other officers and servants such reasonable remuneration as they deem expedient and, subject to the provisions of section 121 of the Local Government Act, 1933, relating to notice of termination of, and retirement from, appointments held during pleasure, as applied by the Order of 1948, every such engineer, clerk, treasurer and other officer and servant shall be removable by the Board at their pleasure."

1933 c. 51.

PART VII —*cont.*

(2) Part III of Schedule 3 to the Order of 1948 shall have effect as if the words " Subsection (4) of section 107 and " were omitted.

Instruction, lectures, etc., on questions relating to water supply.

59. The Water Board may make arrangements whereby the public may obtain information concerning the services of the Water Board and may, subject to conditions and restrictions to the like effect as any to which local authorities may from time to time be subject in the exercise of their powers under section 135 of the Local Government Act, 1948— 1948 c. 26.

(*a*) arrange for the publication within the limits of supply of information on questions relating to the supply of water; and

(*b*) arrange for the delivery of lectures and addresses and the holding of discussions on such questions; and

(*c*) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such questions; and

(*d*) prepare, or join in or contribute to the cost of the preparation of pictures, films, models or exhibitions to be displayed or held as aforesaid.

Special readings of water meters.

60. Where the Water Board take the reading of any meter fixed in any premises at the request and for the convenience of any consumer at any time other than that of the periodical meter reading, they may recover from such consumer the expenses reasonably incurred by them in so doing.

Power to charge for turning off and turning on water in certain cases.

61. Where the occupier of any house having a separate supply of water gives notice to the Water Board for the discontinuance of the supply without giving up possession and within a period of nine months thereafter requires the supply to be reconnected, the Water Board may make a reasonable charge for turning off and turning on the supply of water to the house and for disconnecting and reconnecting the supply.

Cutting off supply to unoccupied premises to prevent waste of water.

62. If after reasonable inquiry the Water Board are unable readily to gain entry to any unoccupied premises for the purpose of taking action under subsection (1) of section 63 of the Third Schedule as applied to the undertaking by the Order of 1948, or to communicate with the owner of the premises for the purpose of taking action under subsection (2) of section 64 thereof, the Water Board may, as a preliminary to such action, turn off or cut off the water supplied by them to the premises and in such case, without prejudice to the provisions of the said sections, they shall restore the said supply at the request of the owner or, if the premises become occupied, the occupier.

Cutting off service pipe to premises which are demolished, etc.

63. Where any premises are demolished or appear to the Water Board to be uninhabitable or unlikely again to require a

PART VII —*cont.*

supply of water and the Water Board have reason to think that waste of water is occurring or is likely to occur they may, after giving notice to the owner and any occupier thereof, or (as the case may be) of the site thereof, cut off the communication pipe by which water was supplied to such premises, or so much of the supply pipe as is laid in a highway, and may seal any pipe with which the same is connected, and the expenses reasonably incurred by them in so doing shall be recoverable by them from such owner as aforesaid as a simple contract debt:

Provided that the Water Board shall not cut off any part of a pipe in pursuance of this section if within twenty-eight days of service of the said notice they are satisfied that a supply of water will again be required from it.

Guarantees in respect of supplies for new buildings.

64.—(1) Where in pursuance of section 37 of the Act of 1945 the owner of any land requires the Water Board to construct any works for the purpose of affording a supply of water to any new buildings which he proposes to erect, the Water Board, instead of requiring the owner to give an undertaking to pay in respect of each year such sum as is provided in paragraph (*a*) of the proviso to subsection (1) of the said section 37, may agree with him for the payment by him to the Water Board of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

(2) If the Water Board and the owner of any land have entered into an agreement in pursuance of section 37 of the Act of 1945, then such agreement shall be binding not only upon the Water Board and the owner joining in the agreement but also upon the successors in title of any owner so joining and upon any person claiming through, or under, them:

Provided that—

(*a*) any such agreement shall be treated as a local land charge for the purposes of the Land Charges Act, 1925; and

1925 c. 22.

(*b*) any person upon whom such agreement is binding shall be entitled to require from the Water Board a copy thereof.

Supplies to premises in area of development.

65. Where the Water Board are required to lay mains or to construct any other works to bring water to any area for the purpose of affording a supply to any premises and the Water Board (in anticipation of further development in the area in which such supply is required) provide and lay mains or construct other works of greater capacity than may be necessary to bring to the area the quantity of water to be supplied to such premises, and within the period of twelve years from the completion thereof a requisition is made for a supply to any other premises, and it appears to the Water Board to be desirable to use the mains or

works aforesaid, or any part thereof, for the purpose of affording such last-mentioned supply, the Water Board may, before complying with such requisition—

(*a*) in the case of a requisition made under section 29 of the Third Schedule, as applied to the undertaking by the Order of 1948, require that for the purpose of determining the validity of the requisition there shall be brought into account the portion of the expense incurred by them in providing and laying the mains aforesaid, or the part thereof (as the case may be) which would be used by the Water Board to afford the supply to which the requisition relates, as if that portion of such expense would be incurred by the Water Board in providing and laying mains necessary for compliance with the requisition; and

(*b*) in the case of a requisition made under section 37 of the Act of 1945, require the person making the requisition to undertake to pay in respect of each year a sum calculated in accordance with the proviso to subsection (1) of the said section 37 in respect of the portion of the expense incurred by them in constructing the works aforesaid comprising service reservoirs or mains, or the part thereof (as the case may be), which would be used by the Water Board to afford the supply to which the requisition relates, as if that portion of such expense would be incurred by the Water Board in constructing the service reservoirs and providing and laying mains necessary for compliance with the requisition:

Provided that, if the person making the requisition so desires, the Water Board may, instead of requiring the payment of an annual sum as aforesaid, agree with him for the payment by him to the Water Board of such capital contribution as they may determine towards the cost so incurred by the Water Board in constructing such works aforesaid comprising service reservoirs or mains, or the part thereof, which would be used by the Water Board to afford the supply to which the requisition relates.

Power to require information as to ownership of land.

66.—(1) The Water Board may, for the purpose of enabling them to perform any of their functions under any enactment in force at the passing of this Act under which the Water Board are, or may be, authorised to acquire land compulsorily or to lay mains or execute other works on land, require—

(*a*) the occupier, and any person having an interest in any land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest in that land, whether as freeholder, mortgagee,

PART VII —*cont.*

lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of that land; and

(*b*) any person who has sold or otherwise disposed of, leased or let any land to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who, having been required by the Water Board under this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding ten pounds.

(3) For the purposes of this section—

" interest " includes any legal estate or interest in land or in any rentcharge issuing out of land;

" land " means any corporeal hereditament, including a building, and includes any interest in, or right over, land.

Evidence of appointments, authority, etc.

67.—(1) In proceedings under any enactment, a document purporting to be certified by the clerk of the Water Board as a copy of a resolution passed, order made, or report received, by the Water Board or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Water Board or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Water Board on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the Water Board or a committee thereof on that date.

(3) In this section " officer " includes a servant and an agent.

Modifications of mortgages by endorsement under hand.

68.—(1) Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, the terms of a mortgage to which the Water Board are a party may be varied by an endorsement in writing on the deed by which such mortgage was granted where the variation consists of an extension of time for the repayment of the principal moneys secured by the mortgage, or of an alteration of the rate of interest payable by the mortgagor on the principal moneys so secured and for the time being not repaid, or both of such extension of time and of such alteration of rate of interest.

(2) For the purposes of this section, an endorsement by the clerk of the Water Board, or his duly authorised representative, shall be deemed to be an endorsement by the Water Board, and,

PART VII —*cont.*

if any other body corporate is also a party to the mortgage, an endorsement by any person duly authorised by them shall be deemed to be an endorsement by them.

As to proof of continued existence of pensioners.

69. Notwithstanding anything in any enactment, the Water Board shall not be required to make any payment by way of superannuation allowance, pension, compensation or other such payment under any statutory authority to, or for the benefit of, any person unless satisfactory proof is given to the Water Board in such manner and at such times as they may from time to time require of the continued existence of such person.

Pay, pensions, etc., of mentally disordered persons.

70.—(1) Where a payment falls to be made by the Water Board to any person by way of pay or pension or otherwise in connection with the service or employment of that or any other person, including any repayment, with or without interest, of superannuation contributions, and the Water Board are satisfied, after considering medical evidence, that the person to whom it is payable (hereafter in this section called " the patient ") is incapable by reason of mental disorder of managing and administering his property and affairs, the Water Board may, instead of paying the sum to the patient, apply it in accordance with subsection (2) of section 138 of the Mental Health Act, 1959; and that subsection shall accordingly apply to the Water Board as it applies to the authority therein mentioned:

1959 c. 72.

Provided that the Water Board shall not apply in accordance with the said subsection (2) more than £100 in any year in respect of the pay, pension or otherwise of any one person.

(2) Before exercising for the first time the powers conferred by subsection (1) of this section in respect of a payment falling to be made to any person, the Water Board—

(*a*) shall give notice to the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, of their intention to do so, specifying the name and address of the patient and the amount and nature of the payments in respect of which they propose to exercise the said powers; and

(*b*) shall give such notice to the patient as the said authority may require.

(3) The notice referred to in subsection (2) of this section shall be given not less than fourteen days before the payment, or such shorter period as the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, may allow.

(4) The authority having jurisdiction under the said Part VIII may at any time, by notice to the Water Board, prohibit the

PART VII —*cont.*

exercise by the Water Board of the powers conferred by subsection (1) of this section in respect of payments falling to be made to any person, and on receipt of such a notice the Water Board shall cease to exercise those powers in respect of that person until the notice is withdrawn.

Repeal.

71.—(1) The following enactments are hereby repealed:—

In the Order of 1948—

Section 28 (Payments out of funds of Board);

Section 35 (Powers of constituent councils to lend money to Board):

In the Mid-Northamptonshire Water Board Order, 1956—

Section 9 (Cutting off communication pipes to prevent waste of water):

In the Mid-Northamptonshire (Water Charges) Order, 1966—

Section 3 (Provision for requiring water used for watering garden by sprinkler to be taken by meter).

(2) The following enactment is hereby repealed as from 1st April, 1970:—

1961 c. xlii. In the Great Ouse Water Act, 1961—

Section 113 (Mid-Northamptonshire water charges).

PART VIII

MISCELLANEOUS AND GENERAL

For protection of the Post Office.

72.—(1) Any electric cables or wires or other apparatus constructed and maintained under the provisions of this Act shall be so constructed, maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Post Office or with telegraphic communication by means of such line.

(2) Nothing in this Act shall authorise the doing of anything constituting an infringement of the exclusive privilege with respect to telecommunication conferred on the Post Office by section 24 (1) of the Post Office Act, 1969.

1969 c. 48.

(3) Where, in pursuance of the powers conferred by section 7 (Stopping up of roads, bridleways and footpaths) of this Act, the River Authority stop up the whole or any portion of a road, bridleway or footpath the following provisions of this subsection shall, unless otherwise agreed in writing between the River Authority and the Post Office, have effect in relation to so much

PART VIII —*cont.*

of any telegraphic line belonging to, or used by, the Post Office as is under, in, upon, over, along or across the land which, by reason of the stopping up, ceases to be a road, bridleway or footpath (in this subsection referred to as " the affected line ") (that is to say):—

(*a*) The power of the Post Office to remove the affected line shall be exercisable notwithstanding the stopping up of the road, bridleway or footpath or portion of the road, bridleway or footpath, so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (4) of this section unless, before the expiration of that period, the Post Office has given notice to the River Authority of its intention to remove the affected line or that part thereof, as the case may be;

(*b*) The Post Office may, by notice in that behalf to the River Authority, abandon the affected line or any part thereof and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period it has removed it or given notice of its intention to remove it;

(*c*) The Post Office shall be entitled to recover from the River Authority the expense of providing in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as it may reasonably require;

(*d*) Where under paragraph (*b*) of this subsection the Post Office has abandoned the whole or any part of the affected line it shall vest in the River Authority and the provisions of the Telegraph Acts shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(4) As soon as practicable after the whole or any portion of a road, bridleway or footpath has been stopped up in pursuance of the powers referred to in subsection (3) of this section the River Authority shall send by post to the Post Office a notice informing it of such stopping up.

(5) The exercise of the powers of section 11 (Temporary stoppage of watercourses, highways, etc.) of this Act in relation to a highway shall not affect the powers of the Post Office under the Telegraph Acts to maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that highway for any of those purposes.

PART VIII —*cont.*

(6) In this section " the Telegraph Acts " has the same meaning as in section 21 of the Post Office Act, 1969.

1969 c. 48.

Wireless telegraphy and programme distribution systems.

73. Any means of electrical communication constructed, maintained and used under any of the provisions of this Act shall not be installed or worked in contravention of the provisions of the Wireless Telegraphy Act, 1949, or Part IV of the Post Office Act, 1969.

1949 c. 54.

For protection of statutory undertakers.

74. For the protection of the undertakers the provisions of this section shall, unless otherwise agreed in writing between the appropriate authority and the undertakers, apply and have effect:—

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

" 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) belonging to or maintained by or lawfully laid or erected by such undertakers; or

1882 c. 56

(*b*) in the case of gas or water 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 appropriate authority and the undertakers are regulated by the provisions of section 26 of the Public Utilities Street Works Act, 1950) and includes any structure for the lodging therein of apparatus;

1950 c. 39.

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

" plan " includes a section and description;

" position " includes depth;

" specified work " means any work or thing done under the powers of this Act (not being a work or thing to which section 26 of the Public Utilities Street Works Act, 1950, applies);

PART VIII —*cont.*

" the undertakers " means any person authorised by any enactment to carry on an undertaking for the supply of gas, water or electricity within any area comprising the limits of deviation of the Welland and Nene works or the Mid-Northamptonshire works:

(2) Notwithstanding anything in this Act or shown on the deposited plans, the appropriate authority shall not, under the powers of this Act, acquire any apparatus of the undertakers otherwise than by agreement:

(3) The powers conferred on the River Authority by paragraph (*j*) of subsection (1) of section 6 (Subsidiary powers for River Authority) of this Act to alter apparatus shall not be exercised otherwise than in accordance with the provisions of this section:

(4) If the appropriate authority in the exercise of the powers of this Act acquire any interest in any land in which any apparatus is placed, that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been laid or constructed and is in operation to the reasonable satisfaction of the undertakers:

(5) (*a*) If the appropriate authority, for the purpose of the execution of any specified work, require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan of the proposed work and, if it is agreed between the appropriate authority and the undertakers, or in default of agreement determined by arbitration, that the removal of the apparatus is reasonably required and that it should be removed, the following provisions of this paragraph shall have effect;

(*b*) If it is so agreed or determined that any apparatus should be removed, or if in consequence of the execution of any specified work the undertakers shall reasonably require to remove any apparatus, the appropriate authority shall, if practicable, afford to the undertakers the necessary facilities and rights for the laying or construction of adequate alternative apparatus in other lands of the appropriate authority and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be laid or constructed elsewhere than in other lands of the appropriate authority and the appropriate authority are unable to afford such facilities

PART VIII —*cont.*

and rights as aforesaid the undertakers shall, on receipt of a written notice to that effect from the appropriate authority, forthwith use their best endeavours to obtain the necessary facilities and rights:

(6) (*a*) Any alternative apparatus to be laid or constructed in lands of the appropriate authority in pursuance of paragraph (5) of this section shall be laid or constructed in such manner and in such line or situation as may be agreed between the undertakers and the appropriate authority or, in default of agreement, settled by arbitration;

(*b*) The undertakers shall, after the manner of laying or construction and the line and situation of any alternative apparatus has been agreed, or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to lay or construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required to be removed under the provisions of this section and, in default, the appropriate authority may remove the apparatus:

(7) Notwithstanding anything in paragraph (6) of this section, if the appropriate authority give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the laying or construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the appropriate authority, such work, instead of being executed by the undertakers, shall be executed by the appropriate authority with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the appropriate authority to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

(8) Where in accordance with the provisions of this section the appropriate authority afford to the undertakers facilities and rights for the laying or construction, maintenance, repair, renewal and inspection in lands of the appropriate authority of alternative apparatus in substitution for apparatus to be removed as aforesaid,

PART VIII —*cont.*

those facilities and rights shall be granted upon such terms and conditions as may be agreed between the appropriate authority and the undertakers, or, in default of agreement, determined by arbitration:

Provided that—

(*a*) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be laid or constructed across or through a specified work the arbitrator shall—

(i) give effect to all reasonable requirements of the appropriate authority for ensuring the safety and efficient operation of the specified work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to any terms and conditions applicable to the apparatus laid or constructed through the lands of the appropriate authority for which the alternative apparatus is to be substituted;

(*b*) if the facilities and rights to be afforded by the appropriate authority in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the appropriate authority by or to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the case:

(9) (*a*) Not less than twenty-eight days before commencing to execute any specified work which is near to, or is likely to affect, any apparatus the removal of which has not been required by the appropriate authority under paragraph (5) of this section or the maintenance of any such apparatus the appropriate authority shall submit to the undertakers a plan of the work to be executed;

(*b*) Such work shall be executed only in accordance with the plan submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection

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of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers, within fourteen days after the submission to them of any such plan, shall, in consequence of the work proposed by the appropriate authority, reasonably require the removal of any apparatus and give written notice to the appropriate authority of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required under paragraph (5) thereof; and

(ii) nothing in this sub-paragraph shall preclude the appropriate authority from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work, a new plan in lieu of the plan previously submitted, and thereupon the provisions of this paragraph shall apply to and in respect of such new plan;

(*c*) The appropriate authority shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable and a plan of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(10) Where any road, footpath or bridleway in which any apparatus is situated has been permanently stopped up by the River Authority under the powers of section 7 (Stopping up of roads, bridleways and footpaths) of this Act, the undertakers shall, notwithstanding such stopping up, continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up has ceased to be a road, footpath or bridleway as they would have if it had remained a road, footpath or bridleway and no such rights shall be extinguished by virtue of the said section 7 but nothing in this paragraph shall prejudice or affect any right of the River Authority, or of the undertakers, to require removal of such apparatus under this section:

(11) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed, the appropriate authority shall provide an alternative means of access to such apparatus:

PART VIII —*cont.*

(12) The appropriate authority shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—

(*a*) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and laying or construction of any new apparatus under any of the provisions of this section;

(*b*) the cutting off of any apparatus from any other apparatus; and

(*c*) any other work or thing reasonably necessary in consequence of the exercise by the appropriate authority of any of the powers of this Act:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act, 1950, shall so far as applicable extend and apply to any payment to be made by the appropriate authority under this paragraph as if the appropriate authority were the promoting authority and works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3), and as if in that subsection for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or settled by arbitration under section 74 (For protection of statutory undertakers) of the Welland and Nene (Empingham Reservoir) and Mid-Northamptonshire Water Act 1970 ": 1950 c. 39.

(13) If by reason or in consequence of the execution, user or failure of any of the specified works, or any subsidence resulting from any of those works, any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers or any interruption in the supply of electricity, gas or water (as the case may be) by the undertakers shall be caused, the appropriate authority shall bear and pay the cost reasonably incurred by the undertakers in making good such damage, and shall—

(*a*) make reasonable compensation to the undertakers for any loss sustained by them; and

(*b*) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

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Provided that—

(i) nothing in this paragraph shall impose any liability on the appropriate authority with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers or their contractors or workmen;

(ii) the undertakers shall give to the appropriate authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the appropriate authority:

(14) The temporary stopping up or diversion of any highway under the powers of section 11 (Temporary stoppage of watercourses, highways, etc.) of this Act shall not prevent the undertakers from obtaining access to any apparatus nor prejudice or affect any right of the undertakers—

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

(*b*) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that highway:

(15) Where the appropriate authority propose to lay or erect any lines of electrical cable under the powers of this Act for the purpose of transmitting electricity over, under or in the vicinity of any electric line belonging to electricity undertakers, they shall take all reasonable precautions so as not injuriously to affect, whether by induction or otherwise, the working or user of, or the currents in, the electric line:

(16) (*a*) Any difference which may arise between the appropriate authority and the undertakers under this section shall be determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, to be appointed on the application of either party (after notice in writing to the other party) by the President of the Institution of Civil Engineers;

(*b*) In determining any difference under this section the arbitrator shall have regard to any duty or obligation which the undertakers may be under in respect of any apparatus and may, if he thinks fit, require the appropriate authority to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

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For further protection of Gas Council and East Midlands Gas Board.

75. For the further protection of the Gas Council and the East Midlands Gas Board the following provisions shall, unless otherwise agreed in writing between the appropriate authority and the undertakers concerned, apply and have effect:—

(1) In this section " specified mains " means—

(*a*) the following mains of the Gas Council forming part of the national grid for the distribution of natural gas:—

(i) the thirty-six inch number 2 gas feeder main; and

(ii) the thirty-six inch number 4 gas feeder main, if laid before the commencement of the construction of the works referred to in paragraph (2) of this section; and

(*b*) the following mains of the East Midlands Gas Board:—

(i) eight-inch steel super grid main near Caldecott;

(ii) ten-inch steel super grid main near Rockingham;

(iii) ten-inch spun iron grid main from Desborough to Corby, west of Oakley;

(iv) eighteen-inch steel super grid main near Glendon Hall; and

(v) eighteen-inch spun iron grid main from Rothwell to Kettering near Rothwell Grange:

(2) In relation to the construction by the Water Board of any part of any of the aqueducts or lines of pipes (Works Nos. 17, 19, 21, 23 and 24) which is near to, or is likely to affect, any of the specified mains, section 74 (For protection of statutory undertakers) of this Act shall have effect as if in paragraph (9) (*a*) and the proviso (ii) to paragraph (9) (*b*) thereof for the words " twenty-eight days " there were substituted the words " fifty-six days ", and in the proviso (i) to paragraph (9) (*b*) thereof for the words " fourteen days " there were substituted the words " twenty-eight days ":

(3) (*a*) Before constructing any part of the Empingham Reservoir (Work No. 12) which is near to or likely to affect—

(i) the six-inch steel main laid by the East Midlands Gas Board between Oakham and Uppingham; or

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(ii) the four-inch spun iron main laid by the said Gas Board between Oakham and Uppingham;

the River Authority shall divert the said main or mains (as the case may be);

(*b*) The provisions of paragraphs (5), (6), (7), (8), (12), (13) and (16) of the said section 74 shall apply to the diversion of either of the said gas mains as if the East Midlands Gas Board had reasonably required the River Authority to remove the main.

For protection of British Railways Board.

76. For the protection of the British Railways Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the appropriate authority and the board apply and have effect:—

(1) In this section—

"railway property" means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

"the works" means so much of the works authorised by this Act as may be situated upon, across, under or over or may in any way affect railway property and includes the construction, maintenance and renewal of such works and includes works carried out pursuant to the powers in sections 6 (Subsidiary powers for River Authority), 29 (Power to take waters of the river Gwash and other rivers and streams), 33 (Power to River Authority to divert watercourses), 45 (Discharge of water into streams) and 46 (Power to River Authority to carry out trial borings, etc.);

"the engineer" means an engineer to be appointed by the Board;

"plans" include sections, drawings and specifications:

(2) The appropriate authority shall not under the powers of this Act acquire compulsorily any railway property but they may in accordance with the provisions of section 15 (Power to acquire easements only) of this Act acquire such easements and rights in any railway property delineated on the deposited plans as they may reasonably require for the purposes of the works:

(3) Notwithstanding anything in section 2 of the Third Schedule to the Water Act, 1945, as applied to the Water Board by section 4 (Application and modification of

1945 c. 42.

PART VIII —*cont.*

enactments) of this Act, the aqueduct or line or lines of pipes (Work No. 21) shall be carried over the Kettering to Manton railway line in the parish of Glaston in the rural district of Uppingham under the surface of the ground and so as to leave a distance of not less than 13 feet between the lowest part of the said work and the soffit of the tunnel carrying the said railway line:

(4) The appropriate authority shall before commencing the works (other than works of maintenance or repair) furnish to the board proper and sufficient plans thereof for the reasonable approval of the engineer and shall not commence the works until plans thereof have been approved in writing by the engineer or settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

(5) If within twenty-eight days after such plans have been furnished to the board the board shall give notice to the appropriate authority that the board desire themselves to construct any part of the works which in the opinion of the engineer will or may affect the stability of railway property then, if the appropriate authority desire such part of the works to be constructed, the board shall construct the same with all reasonable dispatch on behalf of and to the reasonable satisfaction of the appropriate authority in accordance with the plans approved or deemed to be approved or settled as aforesaid:

Provided that in the event of the board not proceeding with or completing the construction of such part of the works with reasonable dispatch and to the reasonable satisfaction of the appropriate authority, the appropriate authority may, after giving not less than twenty-eight days' notice to the engineer, themselves proceed with or complete the construction of that part of the works:

(6) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works whether temporary or permanent which in his opinion should be carried out before the commencement of the works to ensure the safety or stability of railway property and such protective works as may be reasonably necessary for those purposes shall be constructed by the board with all reasonable dispatch and the appropriate authority

PART VIII —*cont.*

shall not commence the construction of the works until the engineer shall have notified the appropriate authority that the protective works have been completed:

(7) The appropriate authority shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any works for the repair or maintenance of the works:

(8) The construction of the works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and the use by passengers of railway property and if any damage to railway property or any such interference or obstruction shall be caused by the construction of the works the appropriate authority shall notwithstanding any such approval as aforesaid make good such damage and pay to the board the reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:

Provided that nothing in this section shall impose any liability on the appropriate authority with respect to any damage, expenses or loss which may be attributable to the act, neglect or default of the board or of any person in their employ or of their contractors or agents:

(9) The appropriate authority shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

(10) The board shall at all times afford reasonable facilities to the appropriate authority and their agents for access to any works carried out by the board under this section during their construction and shall supply the appropriate authority with such information as they may reasonably require with regard to such works or the method of construction thereof:

PART VIII —*cont.*

(11) If any alterations or additions, either permanent or temporary, to railway property shall be reasonably necessary during the construction of the works or during a period of twelve months after completion thereof in consequence of the construction of the works such alterations and additions may be effected by the board after notice has been given to the appropriate authority and the appropriate authority shall pay to the board the reasonable cost thereof including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving may be set off against any sum payable by the appropriate authority to the board under this section:

(12) The appropriate authority shall repay to the board all costs, charges and expenses reasonably incurred by the board—

(*a*) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, watching, lighting and signalling railway property and for preventing so far as may be interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the works;

(*b*) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the works or from the substitution or diversion of services which may be necessary for the same reason;

(*c*) in respect of any additional temporary lighting of railway property in the vicinity of the works being lighting made reasonably necessary as a result of the works or the failure thereof;

(*d*) in respect of the supervision by the engineer of the works;

(*e*) in constructing any part of the works on behalf of the appropriate authority as provided by paragraph (5) of this section or in constructing any protective works under the provisions of paragraph (6)

PART VIII —*cont.*

of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works:

Provided that if the cost of maintaining, working or renewing railway property is reduced in consequence of the construction of any protective works under the provisions of the said paragraph (6), a capitalised sum representing such saving may be set off against any sum payable by the appropriate authority to the board under this section:

(13) If at any time after the completion of the works (not being works vested in the board) the board shall give notice to the appropriate authority informing them that the state of repair of the works appears to be such as to affect prejudicially railway property, the appropriate authority shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonably necessary to put the works in such state of repair as not to affect prejudicially railway property and, if and whenever the appropriate authority fail to do so, the board may, on giving not less than fourteen days' notice to the appropriate authority, make and do in and upon the lands of the board or of the appropriate authority all such works and things as shall be requisite to put the works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the appropriate authority:

(14) Before providing any illumination or illuminated road traffic sign on or in connection with the works in the vicinity of the railway the appropriate authority shall consult with the board and comply with any reasonable requirements of the board in regard thereto with a view to ensuring that such illumination or illuminated sign could not be confused with any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway:

(15) Any additional expense which the board may reasonably incur after giving twenty-eight days' notice to the appropriate authority in altering, reconstructing or maintaining railway property in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the appropriate authority to the board:

(16) The appropriate authority shall be responsible for and make good to the board all costs, charges, damages and

PART VIII —*cont.*

expenses not otherwise provided for in this section which may be occasioned to, or reasonably incurred by, the board—

(*a*) by reason of the works or the failure, bursting or leakage thereof; or

(*b*) by reason of any act or omission of the appropriate authority or of any persons in their employ or of their contractors or others whilst engaged upon the works;

and the appropriate authority shall effectively indemnify and hold harmless the board from and against all claims and demands arising out of, or in connection with, the works or any such failure, bursting, leakage, act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the appropriate authority or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or agents) excuse the appropriate authority from any liability under the provisions of this section:

Provided that the board shall give to the appropriate authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the appropriate authority:

(17) Any difference arising between the appropriate authority and the board under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

For protection of Peterborough Corporation.

77. For the protection of the mayor, aldermen and citizens of the city of Peterborough (hereinafter referred to as "the corporation") the following provisions shall, unless otherwise agreed in writing between the corporation and the River Authority, apply and have effect:—

(1) (*a*) Within twenty-one days after the service upon the corporation of any notice by the River Authority or by the Minister under subsection (1) of section 5 of the Rivers (Prevention of Pollution) Act, 1961, requiring the corporation to vary the standard of any effluent not exceeding in dry weather 10,000,000 gallons per day discharged by them from their Fengate sewage disposal works into the river Nene below the Dog in a Doublet

1961 c. 50.

PART VIII —*cont.*

sluice, the corporation may give notice to the River Authority that they will rely on the provisions of this section;

(*b*) For the purposes of this subsection "dry weather" shall be deemed to exist when the aggregate rainfall recorded on any three consecutive days at the rain gauging station at Fengate sewage disposal works does not exceed 0.03 (three-hundredths) of an inch as certified by the person who is responsible for maintaining that rain gauging station for the purpose of the daily returns made to the River Authority:

(2) If at any time following the first abstraction of water from the river Nene by the River Authority by means of the intake forming part of Work No. 2 the corporation are required, pursuant to the said subsection (1) of section 5, to vary the standard of the effluent so discharged by them as aforesaid and the corporation prove that the requirement has been made, as to the whole or part thereof, by reason of such abstraction, the River Authority shall pay to the corporation a sum equal to the expense reasonably incurred by the corporation in connection with the construction of any works to satisfy that requirement or that part thereof (as the case may be) and a capital sum representing the reasonable increased cost of the operation and maintenance of those works:

(3) Any question or difference arising under paragraph (2) of this section shall be determined by an arbitrator appointed by agreement between the corporation and the River Authority or, in default of agreement, by the President of the Institution of Civil Engineers upon the application of either party after giving notice in writing to the other:

(4) If the consent of the corporation is necessary for the giving of a notice under the said subsection (1) of section 5 and that consent is withheld, paragraphs (1) and (2) of this section shall not have effect in respect of that notice.

Application of section 145 of Local Government Act, 1933. 1933 c. 51.

78. The provisions of section 145 of the Local Government Act, 1933, shall apply with respect to the alteration by the River Authority of any watercourse under the powers of the following sections of this Act:—

Section 5 (Power to River Authority to construct works);

Section 6 (Subsidiary powers for River Authority);

Section 33 (Power to River Authority to divert watercourses); PART VIII —*cont.*

as if the alteration were done in the exercise of powers conferred by the Land Drainage Act, 1930. 1930 c. 44.

Crown rights.

79.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Water Board to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(*b*) belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent of that government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of the Water Board to carry out code-regulated works within the meaning of the Public Utilities Street Works Act, 1950, in any highway vested in, or maintained by, the Minister of Transport. 1950 c. 39.

Saving for Borrowing (Control and Guarantees) Act, 1946. 1946 c. 58.

80. Nothing in this Act shall be construed as authorising the borrowing of money in contravention of any order made under section 1 of the Borrowing (Control and Guarantees) Act, 1946, which is for the time being in force.

Saving for town and country planning.

81.—(1) The provisions of the Town and Country Planning Acts, 1962 to 1968, 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.

(2) Nothing in subsection (1) of this section shall prejudice or affect the application in relation to development authorised by this Act of any provision of any development order made under section 14 of the Town and Country Planning Act, 1962, granting planning permission for development authorised by 1962 c. 38.

PART VIII —*cont.*

a local or private Act of Parliament but any such provision shall only apply to any work comprised in the Welland and Nene works or the Mid-Northamptonshire works if, in the case of the Welland and Nene works, the construction of the Empingham Reservoir (Work No. 12) and, in the case of the Mid-Northamptonshire works, the treatment works (Work No. 18) is begun before the expiration of five years from the 1st July, 1970.

Costs of Act.

82. The costs, charges and expenses preliminary to, and of and incidental to, the applying for and the preparing, obtaining and passing of this Act shall be paid by the River Authority and the Water Board in such proportions as may be agreed between them and the amount so payable by each of those authorities shall be paid out of moneys to be borrowed for that purpose or out of revenue.

SCHEDULES

SCHEDULE 1

Section 4.

PART I

PROVISIONS OF THIRD SCHEDULE APPLIED TO RIVER AUTHORITY

Provisions applied (1)	Modifications (2)
Section 2 (Permissible limits of deviation)	For the words " the plans submitted to the Minister " there shall be substituted the words " the deposited plans " and for the words " the said plans " wherever they occur there shall be substituted the words " the deposited sections ".
Section 5 (Power of undertakers to lay or erect telephone wires &c.)	For the words " the works " there shall be substituted the words " the Welland and Nene works " and for the words " the provisions of the special Act relating to the breaking open of streets by the undertakers " there shall be substituted the words " Section 22 of the Third Schedule as applied to the River Authority by subsection (3) of section 69 of the Act of 1963 ".
Section 6 (Penalty for obstruction of works)	—
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—
Section 91 (Mode of reference to arbitration)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	—

PART II

PROVISIONS OF THIRD SCHEDULE APPLIED TO WATER BOARD

Provisions applied (1)	Modifications (2)
Part II (Works and Lands) (except sections 7 and 9)	In section 2 for the words " plans submitted to the Minister " there shall be substituted the words " deposited plans " and for the words " said plans " wherever they occur there shall be substituted the words " deposited sections ".

SCH. 1 —*cont.*

Provisions applied (1)	Modifications (2)
Part IV (Minerals Underlying Waterworks)	In section 4 for the words " any land for the time being held by them in connection with their water undertaking " there shall be substituted the words " the lands delineated on the deposited plans within the limits of land which may be acquired for the authorised works or for access "; and after the word " buildings " there shall be inserted the words " roads, means of access, means of electrical communication, embankments, fences, piers, bridges ".
	In section 12 for the words " after this section is incorporated with their enactments " there shall be substituted the words " under the special Act "; for the words " all existing pipes or other conduits for the collection, passage, or distribution of water and underground works belonging to them " there shall be substituted the words " all such pipes or other conduits or underground works "; and the words " for the time being belonging to them " shall be omitted.
Part XVI (General and Miscellaneous) (except sections 79, 80, 81 and 84)	In section 93 (1) after the words " under any enactment " there shall be inserted the words " (other than their new functions under the Water Resources Act, 1963) ".
1963 c. 38.	

SCHEDULE 2

Section 7.

ROADS, FOOTPATHS AND BRIDLEWAYS TO BE STOPPED UP

PART I

ROADS

(1) Road		(2)
Classified number or other identification	Parish or parishes	Letters on deposited plans showing extent of stopping up
A.606	Exton and Hambleton	A1 to A2
Classified road C.14 leading from the A.606 to Upper Hambleton	Hambleton	B1 to B2
Unclassified road leading from Egleton to Nether Hambleton	Egleton and Hambleton	C1 to C2
Unclassified road leading from Middle Hambleton to Lyndon	Hambleton	D1 to D2
Unclassified road leading from A.606 to junction of Empingham/Normanton road	Whitwell	E1 to E2
Unclassified road leading from A.606 to Whitwell/Normanton road	Empingham	F1 to F2
Classified road C.14 leading from Upper Hambleton to Normanton	Hambleton and Normanton	G1 to G2
Unclassified road leading from Whitwell/Empingham road to Hambleton/Normanton road	Whitwell and Hambleton	H1 to H2
Unclassified road leading from another unclassified road from Middle Hambleton to Lyndon to the Old Hall, Middle Hambleton	Hambleton	Z1 to Z2

SCH. 2 —*cont.*

PART II

FOOTPATHS

(1) Footpath		(2)
No. on map prepared by the Rutland County Council under section 32 of National Parks and Access to the Countryside Act 1949	Parish or parishes	Letters on deposited plans showing extent of stopping up
2	Egleton	J1 to J2
1	Hambleton	K1 to K2
2	Hambleton	L1 to L2
4	Hambleton	M1 to M2
5	Hambleton	N1 to N2
6	Hambleton	P1 to P2
8a	Hambleton	Q1 to Q2
10	Hambleton	R1 to R2
10	Hambleton	R3 to R4
13	Hambleton	S1 to S2
12	Exton	T1 to T2
13	Exton	U1 to U2
3	Whitwell	V1 to V2
2	Edith Weston	W1 to W2
2	Manton	X1 to X2
10	Empingham	Y1 to Y2

1949 c. 97.

PART III

BRIDLEWAYS

(1) Bridleway		(2)
No. on map prepared by the Rutland County Council under section 32 of National Parks and Access to the Countryside Act 1949	Parish or parishes	Letters on deposited plans showing extent of stopping up
Br.11	Exton	A3 to A4
Br. 4	Whitwell	B3 to B4
Br.16	Empingham	C3 to C4
Br. 7	Hambleton	D3 to D4
Br. 8	Hambleton	E3 to E4
Br. 9	Hambleton	F3 to F4
Br.10a	Hambleton	G3 to G4
Br.11	Hambleton	H3 to H4
Br.12	Hambleton	J3 to J4
Br. 3	Edith Weston	K3 to K4
Br. 1	Manton	L3 to L4
Br. 1	Gunthorpe	M3 to M4

SCHEDULE 3

Section 31.

PART I

PROCEDURE FOR MAKING DROUGHT ORDERS

1.—(1) (*a*) Not later than the date on which they make application for an order under section 31 (Drought orders) of this Act the River Authority shall cause notice in writing of the application to be served on every local authority any part of whose district is within so much of the catchment area of the river to which the order applies as is downstream of Work No. 2 or Work No. 7 (as the case may be) (hereinafter in this schedule referred to as " the area affected by the order ").

(*b*) In this paragraph " local authority " means the council of a borough or of an urban or rural district and includes the county council of the administrative county in which the borough or district is situated.

(2) The River Authority shall also cause a notice of the application to be published in one or more local newspapers circulating within the area affected by the order.

(3) The River Authority shall in addition to the notice specified in the last foregoing sub-paragraph cause a notice of the application to be published in the London Gazette.

(4) A notice under this paragraph shall state the general effect of the application and that objections to the application may be made to the Minister within seven days from the date on which it is served or, in the case of publication of a notice in pursuance of this paragraph, from the date of the publication.

2.—(1) If any objection is duly made with respect to the application and is not withdrawn, then, subject to the provisions of this paragraph, the Minister shall before making the order either cause a public local inquiry to be held or afford to any person by whom any objections have been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and if any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the River Authority and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(2) Notwithstanding anything in sub-paragraph (1) of this paragraph the Minister may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this paragraph if the Minister is satisfied—

(*a*) that the objection relates exclusively to matters which can be dealt with on a reference under Part II of this Schedule or by any person by whom compensation is to be assessed; or

SCH. 3 —*cont.*

(*b*) in a case where the order is one confined to the extension of a period specified in a previous order, that the objection is one that has in substance been made with respect to the application for that previous order.

(3) Subject to the requirements of this paragraph, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order in respect of which the application is made with or without modifications.

(4) The Minister may hold a public local inquiry on any application for an order under this Act notwithstanding that he is not required to do so by this paragraph and the provisions of section 290 of the Local Government Act 1933 shall apply to an inquiry under this paragraph, but subject to the modification that the reference in subsection (4) of that section to a local authority shall be construed as including a reference to the River Authority.

1933 c. 51.

3. After an order under the said section 31 has been made, the River Authority shall cause to be published (in the manner in which notice of the application was required under sub-paragraphs (2) and (3) of paragraph 1 of this Schedule to be published) a notice stating that the order has been made and naming a place where a copy thereof may be inspected.

PART II

COMPENSATION FOR THE TAKING OF WATER

1.—(1) Compensation in respect of the taking, under the authority of an order under the said section 31, of water from the river Nene or the river Welland (as the case may be) otherwise than in accordance with a restriction which has been suspended or modified by the order shall be made by the River Authority to the owners and occupiers of, and all other parties interested in, either such river who are injuriously affected by the taking of the water, for damage sustained by them by reason of the matters aforesaid.

(2) In assessing compensation to be made under sub-paragraph (1) of this paragraph, the tribunal may, if it thinks fit, have regard to the amount of water which, on an equitable apportionment of the water available from the source between the claimant, the River Authority and other persons taking water from the source, might fairly be apportioned to the claimant.

2.—(1) Compensation shall be made by the River Authority in any case where an order is made under the said section 31, to persons who but for the order would have been entitled to institute proceedings in respect of a failure to comply with the restriction which has been suspended or modified by the order, for damage sustained by them by reason of water being taken contrary to such restriction.

SCH. 3 —*cont.*

(2) In assessing compensation to be made under this paragraph the tribunal may, if it thinks fit, have regard to the amount of water which, under the conditions existing by reason of the shortage of rain, would have been available to the claimant during the period during which the deficiency of supplies of water is continued, if section 26 (Power to River Authority to abstract water from river Nene) or section 27 (Power to River Authority to abstract water from river Welland) had never been enacted.

3.—(1) A claim for compensation under this Part of this Schedule shall be made by serving upon the River Authority a notice in writing stating the grounds of the claim and the amount claimed.

(2) A claim for compensation under this Part of this Schedule may be made at any time not later than three months after the end of the period for which the order suspends or modifies the restriction in question.

(3) Any question as to the right of a claimant to recover compensation, or as to the amount of compensation recoverable, shall in default of agreement be referred to, and determined by, the tribunal.

(4) Where a claim is made during the continuance of an order, the tribunal may, if it thinks fit, award a sum representing the damage which is likely to be sustained by the claimant in respect of each day on which water is taken otherwise than in accordance with a restriction.

SCHEDULE 4

Section 57.

MODIFICATIONS OF PROVISIONS OF THIRD SCHEDULE AS APPLICABLE TO WATER BOARD

Provisions (1)	Modifications (2)
Section 1 (Definitions, etc.)	In the definition of the expression "communication pipe" after the words "the boundary of" in paragraph (*b*) there shall be inserted the words "the part of"; after the word "stopcock" where it secondly occurs in paragraph (i) thereof there shall be inserted the words "the box or pit in which it is enclosed and any cover thereto"; and at the end of paragraph (ii) thereof there shall be added the words "and the box or pit in which the stopcock is enclosed and cover thereto".

SCH. 4 —*cont.*

Provisions (1)	Modifications (2)
Section 19 (Power to lay mains)	For paragraph (*b*) of subsection (1) there shall be substituted the following paragraph:—
	"(*b*) in, on or over any land not forming part of a street after giving not less than twenty-one days' notice to every owner and occupier of that land,".
	For the proviso to subsection (1) there shall be substituted the following proviso :—
	"Provided that the undertakers shall not under paragraph (*b*) of this subsection lay any main in, on or over any land, being operational land for the purposes of the Town and Country Planning Acts, 1962 to 1968, occupied by an electricity board or gas board or the Post Office, without the consent of that board or (as the case may be) the Post Office, or within two hundred and twenty feet of any highway which is a maintainable highway or prospectively a maintainable highway within the meaning of the Public Utilities Street Works Act, 1950, without the consent of the highway authority, which consent, in any such case as aforesaid, shall not be unreasonably withheld and any question whether such a consent is or is not unreasonably withheld shall be referred to, and determined by, the Minister."
1950 c. 39.	For the words in subsection (1) "laid down by them whether by virtue of this section or otherwise" there shall be substituted the words "forming part of the undertaking for the time being of the undertakers".
	Subject to subsection (5), in the section "street" shall include land laid out for use as a street, being a

SCH. 4 —*cont.*

Provisions (1)	Modifications (2)	
	street which is prospectively a maintainable highway within the meaning of the Public Utilities Street Works Act, 1950.	1950 c. 39.
	In the section "main" shall be deemed to include discharge pipes, drains and signal cables.	
Section 20 (Conditions as to laying mains outside limits of supply)	After subsection (3) there shall be inserted the following subsection:— "(4) The foregoing provisions of this section shall not apply in any case where the undertakers are laying mains in streets forming the boundary of their limits of supply in exercise of the powers conferred on them by section 43 of this Schedule as modified by Part VII of the Welland and Nene (Empingham Reservoir) and Mid-Northamptonshire Water Act, 1970."	
Section 21 (Power to lay service pipes &c.)	In the section "street" shall include land laid out for use as a street.	
Section 30 (Right to demand supply for domestic purposes)	At the end of the proviso to subsection (1) (as amended by section 11 of the Water Act, 1948, and modified by the Order of 1948) there shall be inserted the following:— "and (*c*) nothing in the special Act shall be construed as entitling any person to demand a supply of water from any pipe for the time being used solely for supplying water for purposes other than domestic purposes."	1948 c. 22.
Section 36 (Water to be taken to extinguish fires without charge)	At the end of the section there shall be inserted the following proviso:— "Provided that if any person other than a fire authority shall take water for extinguishing a fire from any such pipe as aforesaid for a period of more than three days the undertakers may require any further supply of water for the said purpose to be taken by meter."	

SCH. 4 —*cont.*

Provisions (1)	Modifications (2)
Section 40 (Laying of supply pipes)	After paragraph (*b*) there shall be inserted the following:— "and (*c*) the bore of the supply pipe shall not exceed half an inch except with the consent of the undertakers."
Section 41 (Laying of communication pipes, etc.)	For the proviso to subsection (1) there shall be substituted the following proviso:— "Provided that the undertakers may elect to lay a main in lieu of any part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from that main and connect it with the supply pipe." For the proviso to subsection (3) there shall be substituted the following proviso:— "Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe the additional cost incurred of laying a main instead of that part of a service pipe shall be borne by them."
Section 42 (Power of undertakers to require separate service pipes)	After paragraph (*c*) of subsection (8) there shall be inserted the following paragraphs:— "or (*d*) the owner or occupier of any of the houses has caused or permitted interference with the existing service pipe or the stop-cock fixed thereto in such a way as to interrupt the supply of water to any other house supplied by such existing service pipe, or (*e*) in the case of two or more houses owned by one person, either solely or jointly with any other person, such houses, or any of them, pass into separate ownership."
Section 43 (Power to break open streets forming boundary of limits of supply)	After the words "and removing" there shall be inserted the words "mains and".

SCH. 4 —*cont.*

Provisions (1)	Modifications (2)
Section 50 (Power to require supplies for refrigerating or water-softening apparatus etc. to be taken by meter)	After paragraph (*c*) there shall be inserted the following paragraphs:— "or (*d*) for watering a garden by means of a sprinkler or sprinkler hose; or (*e*) for a bathing pool, swimming bath or other fixed bath capable of containing more than fifty gallons"; and in paragraph (i) after the words "prescribed charge" there shall be inserted the words "(subject to such minimum quarterly charge as is prescribed for the purposes of section 49 of this Schedule as modified by the Mid-Northamptonshire Water Board (Charges) Order, 1954, and the Mid-Northamptonshire (Water Charges) Order, 1966)."
Section 60 (Power to require provision of cisterns in certain cases)	For subsection (1) there shall be substituted the following subsection:— "(1) Where it is reasonable in all the circumstances for the purpose of enabling the undertakers to fulfil an obligation to afford a constant supply of water to any premises, they may require that any house or building supplied by them shall be provided to the satisfaction of the undertakers with a cistern having a ball and stopcock fitted on the pipe conveying water to it." In subsection (2) for the words "his building" there shall be substituted the words "his house or building"; and for the words "the building" there shall be substituted the words "the house or building".
Section 63 (Power to repair supply pipes)	In subsection (2) for the words "in case of dispute" to the end of the subsection there shall be substituted the words "shall be settled by the engineer or other officer duly authorised in that behalf by the undertakers".

SCH. 4 —*cont.*

Provisions (1)	Modifications (2)
Section 64 (Penalty for waste, etc., of water by non-repair of water fittings)	As modified and set out in the Schedule to the Local Government (Miscellaneous Provisions) Act, 1953.
1953 c. 26.	
Section 82 (Power to enter premises)	In subsection (1) after paragraph (*d*) there shall be inserted the following paragraphs:— " (*e*) for the purpose of turning off or cutting off the supply of water to any premises in any case in which the undertakers are authorised to turn off or cut off supply; (*f*) for the purpose of repairing water fittings belonging to the undertakers which have been injured or suffered to be injured by the occupier of the premises; (*g*) for the purpose of removing water fittings belonging to the undertakers if supply to the premises is discontinued."

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Welland and Nene (Empingham Reservoir) and Mid-Northamptonshire Water Act 1970

CHAPTER vii

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