STATUTORY INSTRUMENTS

1980 No. 526

WATER, ENGLAND AND WALES

The Welsh Water Authority (Monmouth Pumping Station) Order 1980

Made - - - - *9th April* 1980

Coming into Operation *25th April* 1980

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

Citation.

1. This order may be cited as the Welsh Water Authority (Monmouth Pumping Station) Order 1980.

Interpretation.

2.—(1) In this order, unless the context otherwise requires—

"the Authority" means the Welsh Water Authority;

"the deposited plan" means the plan prepared in duplicate, signed by an Under Secretary in the Welsh Office and marked "Plan referred to in the Welsh Water Authority (Monmouth Pumping Station) Order 1980", of which one duplicate is deposited and available for inspection at the offices of the Director of Administration of the Authority and the other at the offices of the Secretary of State for Wales;

"the undertaking" means the water undertaking of the Authority as from time to time authorised by any enactment.

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

Application and incorporation of enactments.

3.—(1) For the purposes of this order the provisions of the Third Schedule to the Water Act 1945 which are set out in column (1) of Schedule 1 to this order shall, subject to the modifications set out in column (2) thereof, apply to the undertaking and are hereby incorporated with this order.

(2) Sections 30 to 44 inclusive of the Railways Clauses Consolidation Act 1845(e) (which relate to the temporary occupation of lands near the

(a) 1945 c. 42. (b) 1948 c. 22. (c) 1965 c. 56. (d) S.I. 1965/319.
(e) 1845 c. 20.

railway during the construction thereof) are hereby incorporated with this order and, as so incorporated, shall have effect as if for the words "the period by the special Act limited for the completion of the railway" there were substituted the words "the period of two years from the commencement of the construction of any of the works authorised by the special Act" and the following expressions had the meanings hereby assigned to them:—

"the Company" means the Authority;

"the railway" means the works authorised by this order and "the centre of the railway" means the centre of any such works; and

"the special Act" means this order.

(3) In its application to this Order, Part I of the Compulsory Purchase Act 1965 shall have effect subject to the following exceptions and modifications:—

(*a*) at the end of section 4 there shall be added the following proviso:

"Provided that such powers shall in relation to any of the land be deemed to have been exercised if before the expiration of the said three years notice to treat has been served in respect of that land.";

(*b*) in section 11(2), at the end of the first paragraph thereof, there shall be inserted the words "(other than paragraph 3(3) thereof)";

(*c*) in section 11(3) for the words "not less than three nor more than fourteen days' notice" there shall be substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry"; and

(*d*) section 27 shall be omitted.

Purchase of land.

4. The Authority may purchase compulsorily for the purpose of the works authorised by this order all or any of the lands described in Schedule 2 to this order.

Power to construct works.

5. Subject to the provisions of this order, the Authority may construct and maintain the following works in the Community of Monmouth, in the District of Monmouth, in the County of Gwent:—

An intake on the left bank of the River Wye at National Grid reference point SO 51681315 and a pumping station (to be known as the Monmouth Pumping Station) in the enclosures numbered 7022 and 7710 in the said community on the 1/2500 Ordnance Map of Monmouthshire Plan SO 5113 (edition of 1969).

Works to form part of undertaking.

6. The works authorised by this order shall for all purposes form part of the undertaking.

Temporary stoppage of drains highways and rights of way.

7.—(1) The Authority, during and for the purposes of the construction of the works authorised by this order, may temporarily stop up, alter, divert or otherwise interfere with any drain or any highway or 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 Authority shall provide reasonable access for passengers, with or without animals, bona fide going to or from any such land, house or building.

(3)(*a*) The powers of paragraph (1) of this article shall not be exercised in relation to 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 Secretary of State.

(*b*) The powers of paragraph (1) of this article shall not be exercised in relation to any drain without providing a proper substitute before interrupting the passage of water in or through such drain, and the Authority shall make compensation for any damage caused to any person by the exercise of such powers in relation to any drain, the amount of such compensation being, in case of dispute, determined by the Lands Tribunal.

SCHEDULE 1

PROVISIONS OF THE THIRD SCHEDULE TO THE WATER ACT 1945 APPLIED FOR THE PURPOSES OF THIS ORDER

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 plan referred to in the special Act"; and for the words "the said plans" there shall be substituted the words "the said plan".
Section 4 (General power to construct subsidiary works)	The words from "and to any other" to "abstract water" shall be omitted; 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 plan referred to in the special Act"; for the word "thereof" there shall be substituted the words "of those works"; and after the word "buildings" there be inserted the words "roads, means of access, piling, embankments, cofferdams."

Provisions applied (1)	Modifications (2)
Section 5 (Power of undertakers to lay or erect telephone wires, &c.)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 8 (Persons under disability may grant easements, &c.)	—
Part IV (Minerals Underlying Waterworks)	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.
Section 82 (Power to enter premises)	—
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—
Section 86 (Continuing offences and penalties)	—
Section 87 (Restriction on right to prosecute)	—
Section 91 (Mode of reference to arbitration)	—
Section 92 (Liability of undertakers to pay compensation)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	In subsection (1) for the words from "the Council of every County" to the end of the subsection there shall be substituted the words "the Gwent County Council".

SCHEDULE 2

Description of Lands

Lands in the Community of Monmouth, in the District of Monmouth, in the County of Gwent shown coloured pink on the deposited plan, being lands comprising 0·51 hectares or thereabouts forming part of the enclosures numbered 7022 and 7710 in the said community on the 1/2500 Ordnance Map of Monmouthshire, Plan SO 5113 (edition of 1969).

P. J. Hosegood,
An Under Secretary in the Welsh Office

Signed by authority of
the Secretary of State
9th April 1980.