



CHAPTER xxxi

An Act to empower the Runcorn District Water Board to construct works and to acquire lands; and for other purposes. [19th July, 1962]

WHEREAS by the Runcorn District Water Board Act, 1923, the Runcorn District Water Board (hereinafter referred to as "the Board") were constituted and incorporated and were empowered to supply and are supplying water within the urban district of Runcorn and certain parishes in the rural district of Runcorn in the administrative county of the county palatine of Chester:

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

And whereas the site of the said works forms part of a suburban common within the meaning of the Inclosure Acts, 1845 to 1882, known as Runcorn Hill, in respect of which the Runcorn Urban District Council (hereinafter referred to as "the council") are the conservators by virtue of the Provisional Order confirmed by the Commons Regulation (Runcorn) Provisional Order Confirmation Act, 1898, and an award made in pursuance of the said Inclosure Acts on the twenty-eighth day of November, eighteen hundred and ninety-eight:

And whereas all the rights and interests of the Lord of the Manor of Runcorn in the surface of the greater proportion of the said suburban common and the subsoil thereof to a depth of two hundred feet are vested in the council by virtue of an agreement made on the twenty-first day of March, nineteen

hundred and twenty-one between The Most Honourable George Henry Hugh fourth Marquess of Cholmondeley and the council:

And whereas it is expedient that the Board should be authorised to acquire the rights and interests of the council in part of the said suburban common as in this Act provided:

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

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

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

And whereas a plan and section showing the lines and levels of the works by this Act authorised, such plan showing also the lands which may be acquired or used compulsorily under the powers of this Act and for the purposes of this Act, together with a book of reference to the said plan containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of all such lands and describing the same, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county of the county palatine of Chester and such plan, section and book of reference are respectively referred to in this Act as the deposited plan, section and book of reference:

And whereas in relation to the promotion of the Bill for this Act the Board have complied with the requirements of subsection (3) of section 72 (Subsidiary powers of Board) of the said Act of 1923 :

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

1.—(1) This Act may be cited as the Runcorn District Water Board Act, 1962.

(2) The Runcorn District Water Board Acts and Orders, 1865 to 1949, and this Act may be cited together as the Runcorn District Water Board Acts and Orders, 1865 to 1962.

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

Part I.—Preliminary.

Part II.—Lands and works.

Part III.—Miscellaneous provisions.

Part IV.—General.

Short and
collective
titles.

Division of
Act into
Parts.

3.—(1) The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act:—

PART I
—cont.
Incorporation
of
enactments.

(a) the Lands Clauses Acts, except sections 85 and 92 and sections 127 to 133 of the Lands Clauses Consolidation Act, 1845;

(b) the provisions of the Third Schedule to the Act of 1945 specified in the first column of the schedule to this Act, but subject to the modifications set out in the second column thereof.

(2) In the construction for the purposes of this Act of the provisions of the Lands Clauses Acts incorporated with this Act the expression “the promoters of the undertaking” shall mean the Board.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the enactments wholly or partially incorporated herewith or by the Third Schedule to the Act of 1945 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

(2) In this Act, unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“the Act of 1923” means the Runcorn District Water Board Act, 1923;

“the Act of 1945” means the Water Act, 1945;

“the Board” means the Runcorn District Water Board;

“the council” means the Runcorn Urban District Council;

“the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Lands Tribunal Act, 1949, and by the Land Compensation Act, 1961;

“the Minister” means the Minister of Housing and Local Government;

“the Order” means the Provisional Order scheduled to and confirmed by the Commons Regulation (Runcorn) Provisional Order Confirmation Act, 1898;

“the undertaking” means the water undertaking for the time being of the Board.

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

PART II

LANDS AND WORKS

Power to
acquire certain
rights and
interests of
council.

5.—(1) Subject to the provisions of this Act, the Board may purchase compulsorily all or any of the rights and interests of the council in such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act:

Provided that except during the construction of Works Nos. 2 and 3 authorised by this Act nothing in this subsection or done thereunder shall affect the right of free access reserved for the benefit of the neighbourhood under Part II of the Order or the rights of access conferred upon members of the public by section 193 of the Law of Property Act, 1925, to the lands delineated on the deposited plan and situate within the respective limits of deviation for those works.

(2) Part II of the Order shall cease to apply to so much of the lands delineated on the deposited plan and situate within the limits of deviation for the service reservoir (Work No. 1) authorised by this Act as becomes vested in the Board under section 107 of the Lands Clauses Consolidation Act, 1845.

(3) The powers of compulsory purchase of rights and interests under this section shall cease after the expiration of three years from the first day of October, nineteen hundred and sixty-two.

Correction of
errors in
deposited
plan and
book of
reference.

6.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Board after giving not less than ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the 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, House of Commons, and with the clerk of the county council of the administrative county of the county palatine of Chester and the clerk of the council; and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

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

PART II
—cont.

7.—(1) Notwithstanding anything in the Order or in section 36 of the Commons Act, 1876, but subject to the provisions of this Act, the Board may construct and maintain in the lines and situations and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited section the following works in the urban district of Runcorn:—

Power to
construct
works.

Work No. 1 A service reservoir to be situate on Runcorn Hill near the two existing service reservoirs of the Board;

Work No. 2 An access road commencing at the easterly corner of the service reservoir (Work No. 1) and terminating at the junction with Highlands Road;

Work No. 3 A footpath diversion.

(2) The Board may fence off or otherwise enclose all or any part of the lands delineated on the deposited plan and situate within the limits of deviation for the service reservoir (Work No. 1) authorised by this Act.

(3) The Board may lay and maintain such mains, pipes, drains and other apparatus as may be necessary for the purposes of the undertaking in or under the lands delineated on the deposited plan and situate within the limits of deviation for the access road (Work No. 2) authorised by this Act.

8. The works authorised by this Act (except the footpath diversion (Work No. 3)) shall for all purposes form part of the undertaking.

Works to form
part of
undertaking.

9. If the works authorised by this Act are not completed within a period of five years from the first day of October, nineteen hundred and sixty-two, then, on the expiration of that period, the powers granted by this Act for the construction thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for
completion
of works.

10. The Board may stop up the portion of the footpath shown on the deposited plan as intended to be stopped up and thereupon all rights of access over or along the said portion of the footpath shall be extinguished:

Power to
stop up
footpath.

Provided that the said portion of the footpath shall not be stopped up until the footpath diversion (Work No. 3) authorised by this Act has been completed to the satisfaction of the council.

PART III

MISCELLANEOUS PROVISIONS

Amendment
of section 32
of Act of
1923.

11. Section 32 (Price of supply by measure) of the Act of 1923 shall have effect as if for the words "three shillings" there were substituted the words "four shillings" and as if at the end thereof there were inserted the words "and the Board may, except in the case of water supplied to premises of any kind referred to in subsection (2) of section 49 of the Third Schedule to the Act of 1945, as incorporated with the Act of 1923, make a minimum charge of twenty shillings per quarter."

Special
readings of
water meters.

12. Where the 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.

Remission of
water rates
on grounds
of poverty.

13. The Board shall have power to reduce or remit the payment of any sum due to them in respect of—

- (1) the supply of water; and
- (2) the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of water or the provision of materials and work in connection therewith or the fixing, setting up, repairing, altering, maintaining or removal thereof;

on account of the poverty of any person liable for the payment thereof.

Guarantees in
respect of
supplies for
new buildings.

14. Where in pursuance of section 37 of the Act of 1945 the owner of any land requires the Board to construct any works for the purpose of affording a supply of water to any new buildings which he proposes to erect, the 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 Board of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

As to meter
rents.

15.—(1) Notwithstanding anything in section 35 of the Act of 1945, if the Board so determine they shall not make any charge in respect of meter rent or meter hire.

(2) Nothing in this section shall prejudice or affect any enactment or agreement from time to time authorising the Board to make a minimum charge in respect of any supply afforded by meter.

16. Where any house, building or other premises are demolished or appear to the Board to be uninhabitable or, in the case of premises other than a house, remain unoccupied for a period of not less than one month and the Board have reason to think that waste of water is occurring or is likely to occur they may, notwithstanding anything in section 38 of the Act of 1945, cut off the communication pipe by which water was supplied to such house, building or other premises:

PART III
—cont.

Cutting off
communication pipes
to prevent
waste of
water.

Provided that—

- (1) in any case where the Board think that waste is likely to occur and for that reason propose to cut off a communication pipe by which water was supplied to any house, building or other premises which appear to them to be uninhabitable or to premises which have remained unoccupied for the period aforesaid, they shall give notice of their intention to do so to the owner of the house, building or premises and if within one week of the receipt of such notice the owner satisfies the Board that reasonable steps are being taken to render habitable the house, building or premises or that the premises will be occupied within a reasonable period (as the case may be) the Board shall not cut off the communication pipe but may take such other action as they may consider necessary to prevent waste of water;
- (2) the Board shall not exercise the powers of this section in relation to a communication pipe to which is connected a sprinkler system or other fire protection equipment dependent on pressure in a main without notice to the fire authority responsible under the Fire Services Act, 1947, for the area in which the premises are situated.

17.—(1) Notwithstanding anything in the Third Schedule to the Act of 1945 or in any other enactment, a person shall not be entitled to demand or continue to receive for the purposes of a standby supply from the Board a supply of water for any premises having a separate supply of water unless he has agreed to pay to the Board such minimum annual sum as will provide a reasonable return on the capital expenditure incurred by the Board in affording such standby supply and will cover other standing charges incurred by the Board in order to meet the possible maximum demand for those premises and a charge per thousand gallons being the rate per thousand gallons from time to time charged by the 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.

Supply of
water where
consumer has
separate
supply.

PART III
—cont.

(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 the expression “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.

As to premises deemed to be supplied with water.

18.—(1) Where the owner or occupier of any premises within the limits of supply which are not supplied with water by the Board habitually obtains for use in those premises water which has been supplied to other premises by the Board he shall, subject as hereinafter provided, be liable to pay to the Board the same rates or charges as he would be liable to pay if the premises owned or occupied by him were supplied with water by the Board.

(2) This section shall not apply in relation to the use of water in respect of the giving or taking of which proceedings have been instituted under section 65 of the Third Schedule to the Act of 1945 as incorporated with the Act of 1923 and the provisions of the said section 65 as so incorporated shall not apply in relation to the giving or taking of water for which a rate or charge is demanded under this section.

Power to borrow.

19.—(1) The Board may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table.

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

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

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing

to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

PART III
 —cont.

(1) Purpose for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
The construction of Works Nos. 1, 2 and 3 authorised by this Act and works ancillary thereto	£125,000	Thirty years.
The costs, charges and expenses of this Act	The sum requisite	Five years.

20.—(1) The Board may pay—

Payment of certain expenses.

(a) to the chairman of the Board such allowance as they think reasonable for the purpose of enabling him to meet the expenses of his office;

(b) reasonable expenses incurred by the Board on account of or in connection with—

(i) the public opening or inspection of the Board's waterworks or of works from which they are entitled to a supply of water;

(ii) the provision of refreshments for their representatives and any other persons attending conferences or meetings convened by the Board in connection with the undertaking;

(iii) the reception and entertainment of persons representative of or connected with water supply or other public services and the supply of information to any such persons.

(2) The Board may defray any travelling or other expenses reasonably incurred by or on behalf of any members or officers of the Board in making official visits on behalf of the Board:

Provided that the amount defrayed under this subsection in respect of expenses of any member of the Board shall not exceed the payment which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section 113 of the Local Government Act, 1948, if the making of the visit had been an approved duty within the meaning of that section.

(3) Subject to the provisions of subsection (5) of this section, the Board may pay reasonable subscriptions, whether annually or otherwise, to the funds of such associations of officers of local

PART III
—cont.

authorities and water undertakers, formed for the purpose of consultation as to the common interests of those authorities and undertakers and the discussion of matters relating to water supply as may be approved by the Minister.

(4) Subject to the provisions of subsection (5) of this section, the Board may pay reasonable subscriptions, whether annually or otherwise, to the funds of any scientific or other society or body (not carrying on business for profit) which is engaged, or whose members are engaged, in research or the keeping of records of value to water undertakers and the reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of any such society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

(5) Payments by the Board under subsections (3) and (4) of this section shall not in any year exceed, in the aggregate, an amount equal to one-half of the sum of the products of a rate of one penny in the pound as estimated for the purposes of subsection (2) of section 9 of the Rating and Valuation Act, 1925, in both the constituent areas as defined by section 4 (Interpretation of terms) of the Act of 1923.

Insurance by
Board against
accidents to
members.

21. The Board shall have in respect of insurance against accidents to their members the like rights and liabilities as are conferred or imposed on a local authority by section 130 of the Local Government Act, 1948.

PART IV

GENERAL

Saving for
town and
country
planning.

22. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act, 1947, for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of
Act.

23. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the Board out of the revenues of the Board or out of money to be borrowed under this Act for that purpose.

SCHEDULE

PROVISIONS OF THIRD SCHEDULE TO THE ACT OF 1945 INCORPORATED

(1) Provisions applied	(2) Modifications
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plan" and for the words "the said plans" there shall be substituted the words "the deposited section".
Section 4 (General power to construct subsidiary works)	The words from the beginning of the section to the words "abstract water" shall be omitted and for the words "their water undertaking" there shall be substituted the words "the service reservoir (Work No. 1) authorised by the special Act".
Section 5 (Power of undertakers to lay or erect telephone wires, &c.)	—
Section 6 (Penalty for obstructing construction of works)	—
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)	—

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Commons Act, 1876	39 & 40 Vict. c. 56.
Commons Regulation (Runcorn) Provisional Order Confirmation Act, 1898	61 & 62 Vict. c. lxxxvii.
Runcorn District Water Board Act, 1923	13 & 14 Geo. 5 c. x.
Law of Property Act, 1925	15 & 16 Geo. 5 c. 20.
Rating and Valuation Act, 1925	15 & 16 Geo. 5 c. 90.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Water Act, 1945	8 & 9 Geo. 6 c. 42.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Fire Services Act, 1947	10 & 11 Geo. 6 c. 41.
Town and Country Planning Act, 1947	10 & 11 Geo. 6 c. 51.
Local Government Act, 1948	11 & 12 Geo. 6 c. 26.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6 c. 42.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.

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