



Water Act 1948

1948 CHAPTER 22

8 Power to survey and search for water, on land proposed to be purchased

- (1) The Minister may, on application made to him by any local authority or statutory water undertakers who propose to acquire any land for the purposes of their water undertaking or proposed water undertaking, authorise them to survey that land in accordance with the provisions of this section :

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

- (2) Where any local authority or statutory water undertakers are authorised as aforesaid to survey any land under this section, any officer of the authority or undertakers authorised for the purpose shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter on and survey the land ; and section forty-eight of the principal Act (which makes provision with respect to the exercise of certain powers of entry conferred by that Act) shall apply to any right of entry conferred by this section.
- (3) The power to survey land conferred by this section shall include power to carry out experimental borings or other works for the purpose of ascertaining the nature of the subsoil or the presence of underground water therein, or the quality or quantity of such water, and to reinstate the land after carrying out any such works:

Provided that a person shall not carry out any works authorised by this subsection on land which is occupied unless at least twenty-four hours notice of his intention so to do has been given to the occupier of the land ; and if the land is held by any statutory undertakers and those undertakers object to the proposed works on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

- (4) Where any land on which entry is made in pursuance of this section is damaged in the exercise of any power thereby conferred, any person, interested in the land may recover compensation in respect of that damage from the local authority or

Status: This is the original version (as it was originally enacted).

undertakers on whose behalf the entry was effected ; and where in consequence of the exercise of such a power any person is disturbed in his enjoyment of any land, he may recover compensation in respect of the 'disturbance from that local authority or those undertakers.

- (5) If any damage or injury is caused by the escape of water from any land on which works have been carried out in pursuance of this section (not being damage in respect of which compensation is payable under the last foregoing subsection) nothing in this section shall be construed as exonerating the local authority or undertakers on whose behalf the works were carried out from any liability in respect of that damage to which they would be subject if the works had been carried out otherwise than in the exercise of statutory powers.
- (6) Any question of disputed compensation under subsection (4) of this section shall be determined by arbitration in the manner provided by section ninety-one of the Third Schedule to the principal Act.
- (7) Nothing in this section shall be construed as authorising the carrying out of works, or the abstraction of water, in contravention of restrictions imposed by section fourteen of the principal Act.