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SCHEDULES.

FIRST SCHEDULE

Sections 9, 10, 12, 14, 19, 23, 26, 32 and

33.

PROCEDURE FOR MAKING ORDERS, APPROVING AGREEMENTS AND MAKING AND CONFIRMING BYELAWS.

PART I

Orders made by the Minister under sections 9 (1), 10 (1), 23, 26 (2), section 32 (2) (if made on application of undertakers) and section 33.

- 1 An application by a company for an order under subsection (1) of section nine or subsection (1) of section ten of this Act or an order under section twenty-three thereof authorising the raising of capital or the borrowing of money must be authorised, if the company is a company within the Companies Act, 1929, by a special resolution of the members passed in the manner provided in Part IV of that Act, and, if the company is not such a company, by a resolution passed by three-fourths in value and number of the members present, either personally or by proxy, at a special meeting of which not less than twenty-one days' notice specifying the resolution has been duly given.
 - 2 Applicants for any order to which this Part of this Schedule applies shall submit to the Minister a draft of the order which they desire him to make and shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area affected by the order a notice—
 - (a) stating the general effect of the order;
 - (b) specifying a place in the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;
 - (c) stating that, within the said period, any person may by notice to the Minister object to the application.
- If it appears to the Minister in the case of an order relating to the Metropolitan Water Board that publication in local newspapers under this paragraph is unnecessary as respects any part of the said area, he may dispense with such publication as respects that part.
- 3 Not later than the date on which the said notice is first published, the applicants shall serve a copy thereof,—
 - (i) on the local authority of every county or district comprised wholly or partly in the area affected by the order;
 - (ii) except where the application is for an order only authorising the raising of capital or the borrowing of money, on the catchment board of any catchment area comprised wholly or partly in the area affected by the order; and

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(iii) where it is proposed that the order shall authorise the execution of works, on the fishery board of any fishery district within which works are to be executed, and on any navigation authority or rivers board exercising functions in relation to a watercourse affected by the works proposed to be executed;

(iv) where it is proposed that the order shall authorise the acquisition of rights to take water, on the catchment board of any catchment area, the fishery board of any fishery district, and any navigation authority or rivers board having jurisdiction over any watercourse, from which water is to be taken under the rights acquired;

and, in the case of a copy to be served on the council of a county, shall attach thereto a copy of the draft order.

4 The applicants shall also publish in the London Gazette a notice stating that they are about to apply for an order under this section, naming the counties and districts comprised wholly or partly in the area affected by the order, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name and date of issue of a local newspaper in which the notice explaining the effect of the order applied for will be found.

5 The applicants shall, at the request of any person interested, furnish to him a copy of the draft order upon payment of such charge, not exceeding two shillings, as they think reasonable.

6 The Minister may make an order in the terms of the draft submitted to him or in those terms as modified in such manner as he thinks fit, but where he proposes to make any modification and considers that persons other than the applicants may be adversely affected thereby, he shall require the applicants to give and publish additional notices in such manner as he thinks best adapted for informing all persons so affected of the modification proposed.

7 If, before the expiration of the twenty-eight days referred to in paragraph 2 of this Part of this Schedule, or of twenty-five days from the publication of the said notice in the London Gazette, or before the expiration of any period specified in notices given under the last foregoing paragraph, an objection is received by the Minister from any board or authority on whom a notice is required to be served under paragraph 3 of this Part of this Schedule, or from any other person appearing to him to be affected by the application, or, as the case may be, by the proposed modification, and the objection is not withdrawn, the Minister, before making any order on the application, shall cause a local inquiry to be held.

8 On the making of an order to which this Part of this Schedule applies, the Minister shall give notice of the making of the order and the effect thereof to any person who has objected thereto under the foregoing provisions of this Part of this Schedule, and has not withdrawn that objection, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice, and if within that period any such person gives notice to the Minister that he objects to the order and the objection is not withdrawn the order shall be provisional only and shall not have effect until it is confirmed by Parliament.

9 The costs incurred by the Minister in connection with the making, notification and confirmation of an order under this Part of this Schedule shall be paid by the applicants and the Minister may, in a case where there are two or more applicants, apportion such costs between them, and may require the applicants to give security for the payment of such costs.

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- 10 In this Part of this Schedule the expression " area affected by the order " means, in relation to any order, the limits of supply or proposed limits of supply of the undertakers or proposed undertakers to whose undertaking the order relates and also includes, if the order authorises the execution of works, the site of those works.

PART II

Orders made by the Minister under sections 9 (2), 10 (2), 12 (3) and 14 (1) and (if no application by undertakers) section 32 (2).

- 11 Before making an order to which this Part of this Schedule applies, the Minister shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area affected by the order a notice—
- (a) stating the general effect of the order;
 - (b) specifying a place in the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Minister object to the making of the order.

If it appears to the Minister in the case of an order relating to the Metropolitan Water Board that publication in local newspapers under this paragraph is unnecessary as respects any part of the said area, such publication shall not be required as respects that part.

- 12 Not later than the date on which the said notice is first published, the Minister shall serve a copy thereof—
- (i) on the local authority of every county or district comprised wholly or partly in the area affected by the order;
 - (ii) on the catchment board of any catchment area comprised wholly or partly in the said area; and
 - (iii) on any statutory water undertakers to whom the order relates or whose limits of supply are comprised wholly or partly in the area affected by the order; and
 - (iv) where it is proposed that the order shall authorise the execution of works, on the fishery board of any fishery district within which works are to be executed, and on any navigation authority or rivers board exercising functions in relation to a watercourse affected by the works proposed to be executed; and
 - (v) where it is proposed that the order shall provide for the furnishing of a supply of water in bulk, on the catchment board for any catchment area, the fishery board of any fishery district, and any rivers board having jurisdiction over any watercourse, from which water is taken by the persons who are to give the bulk supply;
- and in the case of a copy to be served on the council of a county shall attach thereto a copy of the draft order.

- 13 The Minister shall also publish in the London Gazette a notice stating that he is about to make the order, naming the counties and districts comprised wholly or partly in the area affected by the order, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name and

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- date of issue of a local newspaper in which the notice explaining the effect of the order will be found.
- 14 The Minister shall, at the request of any person interested, furnish him with a copy of the draft order upon payment of such charge, not exceeding two shillings, as he thinks reasonable.
- 15 The Minister may make the order either in the terms of the draft or in those terms as modified in such manner as he thinks fit, but, where he proposes to make any modification and considers that persons, other than the water undertakers to whom the order relates, may be adversely affected thereby, he shall give and publish additional notices in such manner as he thinks best adapted for informing all persons likely to be so affected of the modification proposed.
- 16 If, before the expiration of the twenty-eight days referred to in paragraph 11 of this Part of this Schedule, or of twenty-five days from the publication of the said notice in the London Gazette, or before the expiration of any period specified in notices given under the last foregoing paragraph, -an objection is received by the Minister from any board or authority on whom a notice is required to be served under paragraph 12 of this Part of this Schedule, or from any other person appearing to him to be affected by the order, or, as the case may be, by the proposed modification, and the objection is not withdrawn, the Minister, before making the order, shall cause a local inquiry to be held.
- 17 On the making of any order to which this Part of this Schedule applies, the Minister shall give notice of the making of the order and the effect thereof to any person who has objected thereto under the foregoing provisions of this Part of this Schedule, and has not withdrawn that objection, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice, and if within that period any such person gives notice to the Minister that he objects to the order and the objection is not withdrawn, the order shall be provisional only and shall not have effect until it is confirmed by Parliament.
- 18 The costs incurred by the Minister in connection with the making, notification and confirmation of an order under this Part of this Schedule shall be paid by the undertakers to which the order relates, and, of there are two or more such undertakers, the Minister may apportion such costs between them, and may require the undertakers to give security for the payment of such costs.
- 19 In this Part of this Schedule the expression " area " affected by the order " means, in relation to any order, the limits of supply or proposed limits of supply of the undertakers or proposed undertakers to whose undertaking the order relates and also includes, if the order authorises the execution of works, the site of those works:
- Provided that, in relation to any order made under section fourteen of this Act, the said expression means the area defined by that order.

PART III

Agreements made by statutory water undertakers under section 12 and section 26.

- 20 Statutory water undertakers who propose to enter into an agreement to which this Part of this Schedule applies shall publish once at least in each of two successive weeks in one or more local newspapers circulating within their limits of supply, a notice explaining the effect of the proposals and stating that objections thereto

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may be made to the Minister within twenty-eight days after the first publication of the notice, and shall send a copy of the notice to the council of any county, the catchment board of any catchment area, the fishery board of any fishery district, and any navigation authority or rivers boards exercising functions in relation to any watercourse, from which water is obtained by the persons who propose to give the supply, or, as the case may be, from which the water is proposed to be taken under the rights to be acquired.

If it appears to the Minister in the case of an agreement to which the Metropolitan Water Board is a party that publication in local newspapers is unnecessary as respects any part of the Board's limits of supply, he may dispense with such publication as respects that part.

21 The statutory water undertakers shall also publish in the London Gazette a notice stating that they propose to enter into such an agreement as aforesaid with the persons specified in the notice and giving the name and date of issue of a local newspaper in which the notice explaining the effect of the proposals will be found.

22 The Minister shall not approve the agreement, before the expiration of the said twenty-eight days, or before the expiration of twenty-five days from the publication of the said notice in the London Gazette, and before approving it shall consider any objections which may have been received by him before the expiration of either of the said periods, and if before such expiration an objection is received by the Minister from any such catchment board, fishery board or navigation authority as is referred to in subsection (2) of section twelve or subsection (6) of section twenty-six of this Act, as the case may be, and the objection is not withdrawn, the Minister, before approving the agreement by order in accordance with the said subsection, shall cause a local inquiry to be held.

23 On approving by order / any agreement to which this Part of this Schedule applies, the Minister shall give notice of the making of the order to any catchment board, fishery board or navigation authority mentioned in the last foregoing paragraph who have objected to the approval of the agreement and have not withdrawn that objection, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice, and if within that period any such board or authority give notice to the Minister that they object to the order and the objection is not withdrawn, the order shall be provisional only and shall not have effect until it is confirmed by Parliament.

24 The costs incurred by the Minister in connection with the approval of agreements under this Part of this Schedule (whether by order or otherwise) and the confirmation of orders thereunder shall be paid by the undertakers to which the agreement or order relates, and, in a case where there are two or more such undertakers, the Minister may apportion such costs between them, and may require the undertakers to give security for the payment of such costs.

PART IV

Byelaws made by statutory water undertakers under section 17 and section 18.

25 Byelaws to which this Part of this Schedule applies shall be made under the common seal of the undertakers, and shall not have effect until they are confirmed by the Minister.

26 At least one month before application for confirmation of the byelaws is made—

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- (a) notice of the intention to apply for confirmation shall be published in the London Gazette and in one or more local newspapers circulating in the area to which the byelaws apply; and
 - (b) a copy of the byelaws shall be sent to the council of every district wholly or partly comprised in the area to which the byelaws apply, and, in the case of byelaws made under section eighteen of this Act, to the council of every county and the fishery board of any fishery district and the catchment board for any catchment area wholly or partly comprised in the area to which the byelaws apply and to any rivers board having jurisdiction in any part of the last-named area.
- 27 For at least one month before such application is made, a copy of the byelaws shall be deposited at the offices of the undertakers and shall at all reasonable hours be open to public inspection without payment and, in the case of byelaws made under section eighteen of this Act, a copy of the notice referred to in sub-paragraph (a) of paragraph 26 of this Schedule shall be exhibited in some conspicuous place in each borough, urban district and rural parish wholly or partly comprised in the area to which the byelaws apply.
- 28 The undertakers shall, at the request of any person interested, furnish to him a copy of the proposed byelaws upon payment of such sum not exceeding one shilling as they think reasonable.
- 29 The Minister may confirm, or refuse to confirm, any byelaw submitted to him under this Part of this Schedule for confirmation, and may fix the date on which the byelaw is to come into operation, but if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.
- 30 A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the undertakers and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum not exceeding one shilling as the undertakers think reasonable.
- 31 The production of a printed copy of the byelaws, upon which is endorsed a certificate purporting to be signed by the clerk or secretary of the undertakers, stating—
- (a) that the byelaws were made by the undertakers;
 - (b) that the copy is a true copy of the byelaws;
 - (c) that on a specified date the byelaws were confirmed by the Minister;
 - (d) the date, if any, fixed by the Minister for the coming into operation of the byelaws:
- shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this paragraph.

PART V

Orders made by the Minister revising water rates and charges under section 40.

- 32 Applicants for any order to which this Part of this Schedule applies shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area within which the undertakers are supplying water, a notice—

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- (a) stating the general effect of their proposals;
 - (b) stating that, during a period of twenty-eight days from the date of the first publication of the notice, any person may by notice to the Minister object to the application.
- 33 Not later than the date on which the said notice is first published, the applicants shall serve a copy thereof on the local authority of every county or district within which the undertakers are supplying water.
- 34 The applicants shall also publish in the London Gazette a notice stating that they are about to apply for an order under this section, naming the local authorities of the counties and districts within which the undertakers are supplying water and giving the name and date of issue of a local newspaper in which the notice explaining the effect of their proposals will be found.
- 35 If, before the expiration of the twenty-eight days referred to in paragraph 32 of this Part of this Schedule, or of twenty-five days from the publication of the said notice in the London Gazette, an objection is received by the Minister from any person appearing to him to be affected by the application, and is not withdrawn, the Minister, before making any order on the application, shall cause a local inquiry to be held.