

## SCHEDULES.

### THIRD SCHEDULE

#### PROVISIONS TO BE INCORPORATED IN ORDERS RELATING TO WATER UNDERTAKINGS.

#### PART II

##### WORKS AND LANDS.

##### *Permissible limits of deviation.*

- 2 In the construction of any authorised works the undertakers may deviate laterally to any extent not exceeding the limits of deviation shown on the plans submitted to the Minister and, where on any street no such limits are shown, the boundaries of the street (including for this purpose any verge or roadside waste adjoining it) shall be deemed to be such limits, and they may also deviate vertically from the levels shown on the said plans to any extent:

Provided that—

- (a) no embankment for a reservoir shall be constructed at a greater height above the general surface of the ground than that shown on the said plans and six feet in addition thereto; and
- (b) except for the purpose of crossing a river, stream, canal, dyke, watercourse or railway, or of crossing any lands where the consent of all persons having a legal interest therein has been obtained, no pipe or other conduit or aqueduct shall be raised above the surface of the ground otherwise than in accordance with the said plans.

##### *Limit on powers of undertakers to take water.*

- 3 The undertakers shall not construct any works for taking or intercepting water (other than works for intercepting foul water) from any lands acquired by them, unless the works are authorised by, and the lands on which the works are to be constructed are specified in, the special Act or some other enactment.

##### *General power to construct subsidiary works.*

- 4 Subject to the provisions of the last foregoing section and to any other provisions of the special Act limiting the powers of the undertakers to abstract water, the undertakers, in addition to any works specifically authorised, may in, on or over any land for the time being held by them in connection with their water undertaking construct, lay or erect for the purposes thereof, or in connection therewith, and may maintain, such reservoirs, sluices, tanks, cisterns, aqueducts, tunnels, culverts, mains, pipes, engines, pumps, machinery, filters, treatment plant, buildings and things for, or in connection with, the supply of water as they deem necessary:

Provided that any electrical works or apparatus constructed, laid or erected under this section shall be so constructed, laid or erected, and so maintained and used, as to prevent interference with any telegraphic line belonging to or used by the Postmaster General, or with telegraphic communication by means of any such line.

*Power of undertakers to lay or erect telephone wires, and &c.*

- 5 (1) For the purpose of establishing telegraphic, telephonic or other electrical communication between their offices and any part of their works, or between different parts of their works, the undertakers may lay and erect in on or over any highway, and, with the consent of the owners and occupiers of any other land, in on or over that land, such wires, posts, conductors and other apparatus as they deem necessary and the provisions of the special Act relating to the breaking open of streets by the undertakers shall, with any necessary modification of adaptation, apply as respects any highway in relation to the laying, erection and maintenance of any such wires, posts, conductors or other apparatus:

Provided that the undertakers shall not lay or erect any such wires, posts, conductors or other apparatus except with the consent of the local authority and highway authority concerned and in accordance with such conditions as either of those authorities may attach to their consent, but such consent shall not be unreasonably withheld nor shall unreasonable conditions be attached thereto, and any question whether a withholding of consent or a condition is reasonable or not shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

- (2) The undertakers shall at any time at their own expense remove any wires, posts, conductors or other apparatus laid or erected by them under the provisions of this section if they are required so to do by the local authority or a highway authority for the purpose of enabling any widening or other improvement to be carried out to a street or highway.
- (3) Wires, posts, conductors or other apparatus laid or erected by the undertakers under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act, 1869, or be installed or worked in contravention of the provisions of the Wireless Telegraphy Acts, 1904 to 1926, and shall be so constructed, maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General, or with telegraphic communication by means of any such line.
- (4) Where the undertakers propose, in the exercise of their powers under this section, to lay or erect any wires, posts, conductors or other apparatus over, under or in the vicinity of any electric line belonging to any electricity undertakers, the undertakers 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.

Any question which may arise between the undertakers and any electricity undertakers under this subsection shall be determined by an arbitrator to be agreed between the undertakers and the electricity undertakers or, failing agreement, to be appointed by the President of the Institution of Electrical Engineers, and the arbitrator may direct the undertakers to make any alterations in their wires, posts, conductors or other apparatus so as to comply with the provisions of this subsection and the undertakers shall make those alterations accordingly.

In this subsection the expressions " electric line " and " electricity undertakers " have the same respective meanings as in the Electricity (Supply) Acts, 1882 to 1936.

- (5) Where the undertakers propose, in the exercise of their powers under this section, to lay or erect any wires, posts, conductors or other apparatus which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority, they shall give notice of their proposals to that authority and if within twenty-eight days that authority serve on the undertakers notice of objection to their proposals, the undertakers shall not proceed with their proposals unless all objections so made are withdrawn or the Minister after a local inquiry has approved the proposals either with or without modification:

Provided that this subsection shall not apply in relation to any wires, posts, conductors or other apparatus which the undertakers propose to lay or erect in or on a bridge carrying a highway across such a watercourse as aforesaid.

*Penalty for obstructing construction of works.*

- 6 Any person who wilfully obstructs a person engaged by, or under authority of, the undertakers in setting out the line, level or site of any authorised works, or knowingly pulls up any peg or stake driven into the ground for the purpose of setting out such line, level or site, or knowingly defaces or destroys anything made or erected for that purpose, shall be liable to a fine not exceeding five pounds.

*Power to acquire easements for underground works.*

- 7 (1) Where the undertakers are empowered by the special Act to execute any underground works, they may, in lieu of purchasing land compulsorily for the purpose of executing those works, be authorised by means of a compulsory purchase order made by the undertakers and confirmed by the Minister to purchase only such easements and rights over or in that land as may be sufficient for the said purpose and the provisions of the Second Schedule to the Water Act, 1945, shall apply, with such adaptations as may be necessary, to any compulsory purchase order made under this section.
- (2) The undertakers shall not be required or, except by agreement, be entitled to fence off or sever from adjoining lands any lands in respect of which they have purchased only easements or rights under the provisions of this section, and subject to those easements or rights and to any other restrictions imposed by the special Act, the owners or occupiers for the time being of those lands shall have the same rights of using and cultivating them as if that Act had not been passed.

*Persons under disability may grant easements, and &c.*

- 8 Persons empowered by the Lands Clauses Acts to sell and convey, or release, any lands may, subject to the provisions of those Acts and of the special Act, grant to the undertakers any easement or right required for the purposes of the special Act over or in those lands, and the provisions of the Lands Clauses Acts with respect to lands and rentcharges shall, so far as applicable, apply in relation to such grants and to such easements and rights:

Provided that nothing in this section shall be construed as empowering persons to grant any easement or right of water in which any other person has an interest, unless that other person concurs in the grant.

*Extinction of private rights of way.*

- 9      (1) Any private right of way over land which the undertakers are authorised to acquire compulsorily shall, if they so resolve and give notice of their resolution to the owner of the right, be extinguished as from the acquisition by them of the land, or as from the expiration of one month from the service of the notice, whichever may be the later.
- (2) The undertakers shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall, in case of dispute, be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.