

SCHEDULES.

THIRD SCHEDULE

PROVISIONS TO BE INCORPORATED IN ORDERS RELATING TO WATER UNDERTAKINGS.

PART IV

MINERALS UNDERLYING WATERWORKS.

Undertakers not entitled to underlying minerals, unless expressly purchased.

- 11 Where the undertakers purchase any land they shall become entitled to such parts of any mines of coal, ironstone, slate or other minerals under that land as it may be necessary for them to dig, carry away or use in the construction of any waterworks authorised by the special Act, but, save as aforesaid, they shall not by virtue only of their purchase of the land become entitled to any such mines or minerals, which shall, save as aforesaid, be deemed to be excepted from the conveyance of the land unless expressly mentioned therein as conveyed thereby.

Map of underground works to be prepared and kept up to date.

- 12 (1) The undertakers shall, within six months after the first occasion on which any pipes, or other conduits, or underground works are laid or constructed by them after this section is incorporated with their enactments, cause the course and situation of all existing pipes or other conduits for the collection, passage, or distribution of water and underground works belonging to them to be marked on a map (drawn on a scale not less than six inches to one mile), and shall, from time to time, within six months after the making of any alterations or additions, cause the said map to be so corrected as to show the course and situation of all such pipes and conduits, and underground works for the time being belonging to them, and the map, or a copy thereof, bearing the date of its preparation and of the last occasion on which it was corrected shall be kept at the office of the undertakers.

In this subsection the expression " pipes " does not include service pipes.

- (2) The said map shall at all reasonable hours be open to inspection by any person interested free of charge.

Mines lying near the works not to be worked without notice to undertakers.

- 13 Subject to any agreement to the contrary, if the owner, lessee, or occupier of any mines of coal, ironstone, slate or other minerals lying under the reservoirs or buildings of the undertakers, or any of their pipes or other conduits or underground works shown on the map referred to in the last foregoing section, or lying within the prescribed distance therefrom, or, if no distance be prescribed, within forty yards

therefrom, desires to work the said mines or minerals, he shall give to the undertakers thirty days' notice of his intention so to do.

If undertakers unwilling to pay compensation, mines may be worked in usual manner.

- 14 (1) Upon receipt of such a notice as aforesaid, the undertakers may cause the said mines or minerals to be inspected by any person appointed by them for the purpose, and if it appears to them that the working thereof is likely to damage any of their reservoirs or buildings, or pipes, or other conduits or underground works shown on the said map, and if they are willing to pay compensation for the mines or minerals to the owner, lessee or occupier thereof, then he shall not work them, and the amount of the compensation to be paid shall, in the case of dispute, be determined by arbitration.
- (2) If the undertakers have not before the expiration of the said thirty days stated their willingness to treat with the owner, lessee, or occupier for the payment of compensation, it shall be lawful for him to work the said mines and minerals, and to drain them, by means of pumps or otherwise, as if the special Act had not been passed, so, however, that no wilful damage be done to any of the said property or works of the undertakers and that the mines and minerals be not worked in an unusual manner.
- (3) Any damage or obstruction occasioned to any of the said property or works of the undertakers by the working of such mines or minerals in an unusual manner shall be forthwith repaired or removed, and the damage made good, by the owner, lessee, or occupier of the mines or minerals, and if such repair or removal be not effected forthwith, or, if the undertakers deem it necessary to take action without waiting for the work to be done by the owner, lessee, or occupier, the undertakers may execute the work, and recover from the owner, lessee, or occupier the expenses reasonably incurred by them in so doing.

Power to make mining communications where continuous working is prevented.

- 15 If the working of any such mines or minerals as aforesaid lying under the reservoirs or buildings of the undertakers, or any of their pipes or other conduits or underground works shown on the map referred to in section twelve of this Schedule, or lying within the above-mentioned distance therefrom, mentioned in section thirteen of this Schedule, be prevented as aforesaid by reason of apprehended injury thereto, the respective owners, lessees, and occupiers of the mines or minerals may cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata the working whereof is so prevented as may be requisite to enable them to ventilate, drain, and work any mines or minerals on each or either side thereof, but no such airway, headway, gateway, or water level shall be of greater dimensions or sections than the prescribed dimensions or sections, or, if no dimensions are prescribed, eight feet wide and eight feet high, nor be cut or made upon any part of the said property or works of the undertakers so as to cause injury thereto.

Undertakers to pay compensation for expenses incurred by reason of severance.

- 16 (1) Subject to any agreement to the contrary, the undertakers shall from time to time pay compensation to the owner, lessee, or occupier of any mines of coal, slate, ironstone, and other minerals lying on both sides of any reservoir, building, pipe, or other conduit, or other works of the undertakers for any loss and additional expense incurred by him by reason of the severance of the lands above such mines or minerals

by the reservoir or other works, or by reason of the continuous working of such mines or minerals being interrupted as aforesaid, or by reason of their being worked under the restrictions imposed by the special Act, and also for any such mines or minerals not purchased by the undertakers as cannot be worked or won by reason of the making and continuance of the said works, or by reason of such apprehended injury from the working thereof as aforesaid.

- (2) The amount of any such compensation shall, in the case of dispute, be determined by arbitration.

Undertakers may enter and inspect the working of mines.

- 17 For the purpose of ascertaining whether any such mines or minerals as aforesaid are being, have been or are about to be worked so as to damage any of their said works, any authorised officer of the undertakers, after giving twenty-four hours' notice and on producing, if so required, some duly authenticated document showing his authority, may enter upon any lands in, on or near which the works are situate, and under which they know or suspect that any such mines are being, have been or are about to be worked, and may enter any such mines and the works connected therewith, using for their entry, inspection and return any apparatus or machinery belonging to the owner, lessee, or occupier of the mines, and may use all necessary means for discovering the distance from the said works to the parts of the mines which are being, have been or are about to be worked.

Undertakers not exempted from liability for injury to mines.

- 18 Nothing in the special Act shall exempt the undertakers from liability to any action or other legal proceeding to which they would have been liable in respect of any damage or injury done or occasioned to any mines by means, or in consequence, of their waterworks, if those works had been constructed or maintained otherwise than by virtue of the special Act.