

**ELIZABETH II**



**1963 CHAPTER xxxi**

An Act to constitute the Clywedog Reservoir Joint Authority consisting of representatives of the lord mayors, aldermen and citizens of the cities of Birmingham and Coventry, the mayors, aldermen and burgesses of the boroughs of Shrewsbury and Wolverhampton, the mayor, aldermen and citizens of the city of Worcester, the Bristol Waterworks Company, the Central Electricity Generating Board, the Cheltenham and Gloucester Joint Water Board, the East Shropshire Water Board, the East Worcestershire Waterworks Company, the Montgomeryshire Water Board, the South Staffordshire Waterworks Company, the county council of the administrative county of Montgomery and the Severn River Board, to empower the Clywedog Reservoir Joint Authority to acquire lands, to construct works and to regulate the flow of water in the river Severn; to confer powers upon the constituent authorities of the said Authority; and for other purposes. [31st July 1963]

**WHEREAS—**

(1) The Bristol Waterworks Company obtain from the British Waterways Board a bulk supply of water from the Gloucester and Sharpness Canal into which canal water is pumped from the river Severn (in this Act referred to as “the river”):

(2) The Central Electricity Generating Board (in this Act referred to as "the electricity board") abstract water from the river, the river Severn East Channel and the river Avon at an aggregate maximum rate of seven hundred and ninety million gallons per day, substantially all of which is returned to the said rivers and it is expedient that they should be authorised to abstract additional water from the river as provided in this Act:

(3) The lord mayor, aldermen and citizens of the city of Birmingham (in this Act referred to as "the Birmingham Corporation"), the Cheltenham and Gloucester Joint Water Board, the lord mayor, aldermen and citizens of the city of Coventry (in this Act referred to as "the Coventry Corporation"), the mayor, aldermen and burgesses of the borough of Shrewsbury (in this Act referred to as "the Shrewsbury Corporation"), the South Staffordshire Waterworks Company and the mayor, aldermen and citizens of the city of Worcester (in this Act referred to as "the Worcester Corporation") are respectively authorised to abstract water from the river and it is expedient that they should respectively be authorised to abstract additional water from the river as provided in this Act:

(4) The Montgomeryshire Water Board are authorised to abstract water from the river and it is expedient to provide for a supply of water from the reservoir hereinafter referred to to that board as provided by this Act:

(5) It is expedient that the East Shropshire Water Board, the East Worcestershire Waterworks Company and the mayor, aldermen and burgesses of the borough of Wolverhampton (in this Act referred to as "the Wolverhampton Corporation") should respectively be authorised to abstract water from the river as provided by this Act:

(6) At certain times the flow of water in the river is inadequate to meet the existing and future needs of statutory water undertakers and others and it would be impossible for the additional water referred to in paragraphs (2) and (3) of this preamble and the water referred to in paragraph (5) thereof to be abstracted from the river without unduly reducing the flow of water in the river, unless that flow were regulated so as to ensure that at those times water in addition to the natural flow will flow down the river:

(7) It is expedient that a joint board should be constituted by the name of the Clywedog Reservoir Joint Authority (in this Act referred to as "the Authority") for the purposes mentioned in this Act, comprising representatives of the Birmingham Corporation, the Bristol Waterworks Company, the electricity board, the Cheltenham and Gloucester Joint Water Board, the Coventry Corporation, the East Shropshire Water Board, the East Worcestershire Waterworks Company, the Montgomeryshire Water Board, the Shrewsbury Corporation, the South Staffordshire Waterworks Company, the Wolverhampton Corporation



and the Worcester Corporation (hereinafter referred to as “the water authorities”), the county council of the administrative county of Montgomery (in this Act referred to as “the county council”) and the Severn River Board:

(8) It is expedient to empower the Authority to acquire lands and to construct a reservoir (in this Act referred to as “the reservoir”) and other works:

(9) It is expedient to empower the Authority to impound water in and to discharge water from the reservoir so as to regulate the flow of water in the river in such manner as to maintain a minimum flow of water therein and also to enable the abstractions of water from the river authorised by this Act to be effected without reducing the flow of water in the river below that minimum:

(10) It is expedient to provide for payments to be made by the water authorities and others to the Authority as provided in this Act and to enact other provisions with regard to finance:

(11) It is expedient that the other provisions contained in this Act be enacted:

(12) The purposes of this Act cannot be effected without the authority of Parliament:

(13) Estimates have been prepared for the purpose hereinafter mentioned and such estimates are as follows:—

The construction of the works authorised by this Act ... ..	£4,431,000
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(14) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a number of years:

(15) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed by the Birmingham Corporation, the Coventry Corporation, the Shrewsbury Corporation, the Wolverhampton Corporation, the Worcester Corporation and the county council, the requirements of section 130 of the Cheltenham and Gloucester Joint Water Board &c. Act, 1936, have been observed by the Cheltenham and Gloucester Joint Water Board, the requirements of the said Part XIII as applied by the East Shropshire Water Board Order, 1948, have been observed by the East Shropshire Water Board and the requirements of the said Part XIII as applied by the Montgomeryshire Water Board Order, 1960, have been observed by the Montgomeryshire Water Board:

(16) The Minister of Power has granted his consent under section 10 of the Electricity Act, 1947, as amended by the Electricity Act, 1957, to the promotion by the electricity board of the Bill for this Act:

(17) Plans (including enlargements thereof) and sections showing the lines and levels of the works authorised by this

Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly 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 which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and book of reference:

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

- Short title            1. This Act may be cited as the Clywedog Reservoir Joint Authority Act 1963.
- Division of Act into Parts.        2. This Act is divided into Parts as follows:—  
     Part I.—Preliminary.  
     Part II.—Constitution of Clywedog Reservoir Joint Authority.  
     Part III.—Lands.  
     Part IV.—Works, regulation of flow of river and abstraction of water.  
     Part V.—Financial provisions.  
     Part VI.—Miscellaneous provisions.
- Incorporation of Acts.    3. The following enactments, so far as the same are applicable for the purposes of, and are not inconsistent with, the provisions of this Act, are hereby incorporated with this Act:—  
     (a) the Lands Clauses Acts (except sections 92, 127 to 133, 150 and 151 of the Lands Clauses Consolidation Act, 1845, and section 5 of the Lands Clauses Consolidation Acts Amendment Act, 1860):  
         Provided that—  
             (i) the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section; and  
             (ii) the expression “the promoters of the undertaking” shall be construed to mean the Authority;  
     (b) section 16 of the Railways Clauses Consolidation Act, 1845, and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof:



Provided that for the purposes of the said section and provisions of the Railways Clauses Consolidation Act, 1845, the expression "the railway" shall be construed to mean the works authorised by this Act, the expression "the centre of the railway" shall be construed to mean the centre line of each of the embankments or dams of the reservoir and the expression "the company" shall be construed to mean the Authority.

PART I  
—cont.

4.—(1) In this Act, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith 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 1933" means the Local Government Act, 1933;

"the Act of 1945" means the Water Act, 1945;

"the Act of 1962" means the Town and Country Planning Act, 1962;

"the afon Clywedog" means the afon Clywedog in the county of Montgomery;

"the appointed day" means such day as the Authority may by resolution determine to be the day on and after which they are able to discharge water from the reservoir in pursuance of paragraph (b) of subsection (2) of section 46 (Discharge of water from reservoir) of this Act;

"authorised sources" means—

(a) that part of the river which lies upstream of Llanthony weir on the river Severn East Channel and any tributary flowing into that part of the river;

(b) the reservoir; and

(c) any source from which water flows or may flow through a known and defined channel into the said part of the river or into the reservoir;

"the Authority" means the Clywedog Reservoir Joint Authority;

"Bewdley gauge" means the water level recorder of the river board situate in the bank of the river immediately downstream of the bridge carrying the Elan Aqueduct of the Birmingham Corporation over the river or such other gauge to be situate in the river or in the bank thereof at or near the site of the said water level recorder as may be approved by the Minister;

"the Birmingham Corporation" means the lord mayor, aldermen and citizens of the city of Birmingham;

PART I  
—cont.

- “ clerk ” and “ treasurer ” mean respectively the clerk and treasurer of the Authority;
- “ clerk or secretary ” means in relation to any constituent authority who have not appointed a clerk or a secretary any person designated by that authority to give or receive notices;
- “ Clywedog gauge ” means the automatically recording measuring gauge of the river board situate in the afon Clywedog at a point near Cribynau Wood one thousand five hundred yards (measured along the centre of the afon) upstream of the confluence of the afon Clywedog with the river or such other gauge situate at or near the said point as may be approved by the Minister;
- “ the companies ” means the Bristol Waterworks Company, the East Worcestershire Waterworks Company and the South Staffordshire Waterworks Company and includes any other company included in the statutory table by virtue of an amendment made by order under section 57 (Amendments to statutory table) of this Act;
- “ constituent authority ” means any of the authorities, bodies and companies specified in the statutory table or the county council or the river board;
- “ the county council ” means the county council of the administrative county of Montgomery;
- “ the Coventry Corporation ” means the lord mayor, aldermen and citizens of the city of Coventry;
- “ day ” means a day of twenty-four hours reckoned from nine o’clock in the morning;
- “ deposited plans ” means the plans (including the enlargements thereof) referred to in the preamble to this Act;
- “ the electricity board ” means the Central Electricity Generating Board;
- “ existing ” means existing at the passing of this Act;
- “ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Land Compensation Act, 1961, and by this Act;
- “ the Minister ” means the Minister of Housing and Local Government;
- “ the reservoir ” means the reservoir (Work No. 1);
- “ the river ” means the river Severn;
- “ the river board ” means the Severn River Board;
- “ the Shrewsbury Corporation ” means the mayor, aldermen and burgesses of the borough of Shrewsbury;
- “ the statutory table ” means the table contained in the First Schedule to this Act;
- “ the Third Schedule ” means the Third Schedule to the Act of 1945;



“ the town clerk ” means the town clerk of the city of Birmingham;

“ the tribunal ” means the Lands Tribunal;

“ the undertaking ” means the undertaking of the Authority as for the time being authorised;

“ water authorities ” means the authorities, bodies and companies specified in the statutory table and includes any statutory water undertakers included therein by virtue of an amendment made by order under section 57 (Amendments to statutory table) of this Act;

“ the Wolverhampton Corporation ” means the mayor, aldermen and burgesses of the borough of Wolverhampton;

“ the Worcester Corporation ” means the mayor, aldermen and citizens of the city of Worcester.

(3) For the purposes of this Act only—

(a) the bulk supply of water given by the British Waterways Board to the Bristol Waterworks Company from the Gloucester and Sharpness Canal shall be deemed to be abstracted by that company from the authorised sources;

(b) water supplied in bulk by the Authority to the Montgomeryshire Water Board from the reservoir shall be deemed to be abstracted by that board from the authorised sources; and

(c) water abstracted from the river by the South Staffordshire Waterworks Company for the purpose of its being taken into supply by the Wolverhampton Corporation shall be deemed to have been abstracted by the Wolverhampton Corporation from the authorised sources.

(4) All distances and lengths stated in any description of works, intakes, gauges, powers or lands in this Act shall be construed as if the words “ or thereabouts ” were inserted after each such distance or length.

(5) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(6) The provisions of subsection (1) of section 295 of the Act of 1933 (which provides as to the doing of things which fall to be done on Sundays and public holidays) shall apply for the purposes of this Act as if for the reference therein to the Act of 1933 there were substituted a reference to this Act.

PART I  
—cont.

(7) Except where the context otherwise requires, 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

## CONSTITUTION OF CLYWEDOG RESERVOIR JOINT AUTHORITY

Incorporation  
of Authority.

5.—(1) For the purposes mentioned in subsection (3) of this section, there shall be a joint board constituted as provided by this Act.

(2) The joint board shall be a body corporate, by the name of the Clywedog Reservoir Joint Authority, and shall have perpetual succession and a common seal and power to hold land and all other powers and privileges of a body corporate.

(3) The purposes referred to in subsection (1) of this section are—

- (a) to make more water available in the river for abstraction by or supply to the water authorities and others;
- (b) to maintain a minimum flow of water in the river at Bewdley gauge;
- (c) to impound water and to discharge water for the purposes mentioned in paragraphs (a) and (b) of this subsection and for other purposes;
- (d) to supply water to the Montgomeryshire Water Board;
- (e) to construct, operate, alter, renew and maintain works and to acquire lands;
- (f) to do all things necessary for, connected with, incidental to, or consequent upon, the powers, rights, duties, capacities and liabilities exercisable by, or attaching to, the Authority.

(4) The Authority shall be statutory water undertakers for the purposes of the Act of 1945 and the Water Act 1948 and statutory undertakers for the purposes of the Act of 1962.

Constitution  
of Authority.

6. One member of the Authority shall be appointed by each of the constituent authorities.

Member  
appointed  
by river  
board not  
to vote.

7. Notwithstanding anything contained in this Act the member of the Authority appointed by the river board and any person nominated by the river board to act as deputy for that member shall not be entitled to vote at any meeting of the Authority or of any committee thereof.

Appointments  
by  
companies.

8. Any appointment of a member of the Authority to be made under this Part of this Act by any of the companies may be made by the directors of the company making the appointment,



and references in this Part of this Act to a meeting of a constituent authority shall, in relation to each of the companies, be construed as references to a meeting of the directors.

PART II  
—cont.

9.—(1) Each of the members of the Authority other than the members thereof appointed by the companies or the electricity board, shall be a member of the constituent authority by which he shall be appointed. Qualification of members.

(2) The member of the Authority appointed by each of the companies shall be a director or officer of the company by which he shall be appointed, and references in this Act to a member of a constituent authority shall, in relation to each of the companies, be construed as references to a director or officer of the company.

(3) The member of the Authority appointed by the electricity board shall be a member or officer of that board and references in this Act to a member of a constituent authority shall, in relation to the electricity board, be construed as references to a member or officer of that board.

(4) A person shall not represent more than one constituent authority and, if the same person shall be appointed a member of the Authority by more than one constituent authority, he shall, within one month after the second appointment, choose under which appointment he will serve and give notice of his choice, on the occasion of the first appointment of members of the Authority, to the town clerk and thereafter, to the clerk, and thereupon the other appointment shall be deemed void, and, if he fails to give that notice, the second and subsequent appointments shall be deemed void and a further appointment shall be made as if a casual vacancy had occurred in the office of membership of the Authority.

(5) A member of the Authority who ceases to be a member of the constituent authority by which he was appointed, and a member of the Authority who otherwise becomes disqualified to be a member thereof, shall thereupon cease to be a member of the Authority:

Provided that a member of the Authority shall not be deemed to have ceased to be a member of the constituent authority by which he was appointed, if on or before the day on which he goes out of office, he has been re-elected a member of the constituent authority.

10.—(1) Each constituent authority shall, at a meeting held not later than the first day of August, nineteen hundred and sixty-three (or such later date as the Minister shall, on the application of any of the constituent authorities, allow), appoint the First members of Authority.

PART II  
—cont.

member of the Authority to be appointed by them, and the clerk or secretary (as the case may be) of each constituent authority shall forthwith send to the town clerk the name, address and description of the member appointed by his constituent authority.

(2) The members of the Authority appointed in pursuance of this section shall come into office as soon as they are appointed.

(3) The first meeting of the Authority shall be convened by the town clerk to be held on such day, not being later than the thirty-first day of October, nineteen hundred and sixty-three, and at such place as may be fixed by the town clerk.

(4) The date of retirement of the first members of the Authority shall be the thirtieth day of June, nineteen hundred and sixty-six.

Tenure of  
office and  
appointment  
of members.

**11.**—(1) Subject as provided in section 10 (First members of Authority) of this Act, every member of the Authority shall come into office on the first day of July and shall hold office, subject to the provisions of this Part of this Act, for a period of three years.

(2) Any vacancy, other than a casual vacancy, in the representation of a constituent authority on the Authority shall be filled by that constituent authority at a meeting on or before the date on which the vacancy will occur, or as soon thereafter as practicable.

(3) Whenever after the first appointment of members a member of the Authority is appointed by any constituent authority, the clerk or secretary (as the case may be) of the constituent authority by which he is appointed shall forthwith send to the clerk the name, address and description of the member so appointed by his constituent authority.

Resignation  
of members.

**12.** Any member of the Authority may at any time resign his office as such member by notice in writing delivered to the clerk, and his resignation shall take effect upon the receipt of the notice of resignation by the clerk.

Notice of  
vacancies.

**13.**—(1) When any member of the Authority resigns his membership, or vacates his office by absence, the clerk shall notify the fact to the constituent authority by which the member was appointed.

(2) When any member of the Authority ceases to be a member of the constituent authority by which he was appointed, the clerk or secretary (as the case may be) of that constituent authority shall notify the fact to the clerk.

Casual  
vacancies.

**14.** On any vacancy occurring in the membership of the Authority owing to a member dying, resigning, becoming disqualified, vacating his office by absence, or otherwise ceasing to be



a member, the constituent authority by which he was appointed may, at any time after the occurrence of such vacancy, appoint another person to be a member of the Authority in his place, but, unless the vacancy occurs at the expiration of the term of office of the vacating member, the person appointed in his place shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office:

PART II  
—cont.

Provided that when a casual vacancy occurs within six months before the ordinary day for the retirement of the vacating member the vacancy may be filled, but need not be filled unless the constituent authority entitled to make the appointment decide that it should be filled.

15. No act of the Authority shall be invalidated on account of any vacancy in their body or on account of any defect in the appointment of any member of the Authority, and the acts and proceedings of any person appointed to an office under this Act and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified. Acts not invalidated.

16.—(1) Subject to the provisions of subsection (3) of this section, a constituent authority may nominate a person to act as deputy for the member of the Authority appointed by them. Appointment of deputies.

(2) Subject as aforesaid, a person so nominated may attend and vote at any meeting of the Authority which the member for whom he is appointed as deputy, is unable to attend or which is held at a time when a casual vacancy exists in the case of the member appointed by the constituent authority by which he is nominated.

(3) (a) At any meeting of the Authority a person so nominated shall not be entitled to represent more than one member and a member shall be entitled to be represented by only one such person.

(b) A person so nominated shall not be entitled to vote at any meeting of the Authority until notice of his nomination has been given to the clerk, or, if the clerk has not then been appointed, to the town clerk.

(c) A person so nominated shall be subject to the same provisions as to qualification for, and disqualification from, office as are contained in, or applied by, this Part of this Act with respect to members of the Authority:

Provided that a person so nominated by any of the constituent authorities need not be a member of the constituent authority by whom he is nominated but, if not such a member, shall be an officer of that constituent authority.

17. The meetings and proceedings of the Authority shall be conducted in accordance with the rules set forth in the Second Schedule to this Act. Meetings and proceedings.

PART II  
—cont.  
Committees.

18.—(1) The Authority may appoint committees composed of any of their members for any such general or special purpose as in the opinion of the Authority would be better regulated and managed by means of a committee, and may delegate to a committee so appointed, with or without restrictions as they think fit, any functions exercisable by the Authority:

Provided that a committee so appointed shall not be authorised to exercise any of the functions exercisable by the Authority under the following provisions of this Act:—

- subsection (4) of section 48 (Further discharge of water from reservoir);
- subsection (1) of section 57 (Amendments to statutory table);
- subsection (1) of section 61 (Additional capital costs);
- subsection (4) of section 63 (Payments of Authority's revenue expenditure);
- subsection (6) of section 79 (Provision of facilities for recreation on reservoir).

(2) The Authority may vary the constitution of, or abolish, any committee appointed under this section and may vary or revoke any delegation of functions made under this section.

Appointment  
and  
remuneration  
of officers.

19.—(1) The Authority shall appoint such officers and servants as they think requisite:

Provided that no person who is, or within twelve months previously was, a member of the Authority or of any constituent authority may be appointed an officer of the Authority.

(2) The Authority may pay their officers and servants such reasonable remuneration as they deem expedient and, subject to the provisions of section 121 of the Act of 1933, every such officer and servant shall be removable by the Authority at their pleasure.

(3) The Authority and any of the constituent authorities may enter into and carry into effect agreements for the employment by the Authority of officers and servants of any of the constituent authorities for such purposes as may be agreed between the Authority and the constituent authority.

Application  
of provisions  
of Third  
Schedule  
to undertaking.

20. The provisions of the Third Schedule specified in the first column of the Third Schedule to this Act shall, subject to the modifications specified in the second column of the Third Schedule to this Act, apply to the undertaking and are hereby incorporated with this Act.

Application  
of general  
enactments.

21. Section 265 of the Public Health Act, 1875, the provisions of the Act of 1933 mentioned in the Fourth Schedule to this Act and section 130 of the Local Government Act, 1948, shall extend



and apply to the Authority, and to the members and officers of the Authority, as if—

PART II  
—cont.

- (a) the Authority were a local authority;
- (b) the limits (if any) within which the water authorities are for the time being authorised to supply water were the Authority's district and the area referred to in subsection (8) of section 76 and in section 276 of the Act of 1933; and
- (c) references to this Act were substituted for references in the said provisions to the Act in which the provisions occur:

Provided that for the purposes of sections 76 and 95 of the Act of 1933 so applied, a member of the Authority representing any of the companies shall be deemed not to have a pecuniary interest in any matter by reason only of a beneficial interest in shares or stock of the company by which he is appointed.

22. In addition to and without prejudice to the powers and provisions in section 15 of the Local Government Superannuation Act, 1953, the Authority may enter into, and carry into effect, agreements or arrangements with any company, body or association for securing pensions or superannuation allowances to, or to the widows, families or dependants of, their employees, or any of them.

### PART III LANDS

23.—(1) Subject to the provisions of this Act, the Authority may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act, or for the purposes of obtaining access thereto, obtaining materials for the construction thereof, preserving the purity of the waters which may be taken thereby, or rehousing persons displaced under the provisions of this Act, or otherwise for the purposes of this Act.

(2) The powers of the Authority for the compulsory acquisition of lands under this section shall cease after the expiration of three years from the first day of December, nineteen hundred and sixty-three.

24.—(1) If the deposited plans 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 Authority, 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.

PART III  
—cont.

(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 copies thereof shall be deposited in the Private Bill Office, House of Commons, and with the clerk of the county council and with every clerk of a local authority, and chairman of a parish council or parish meeting, with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament, or who has the custody of any such copy so deposited, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Authority to take or use 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.

Acquisition  
of part  
only of  
certain  
properties.

**25.**—(1) No person shall be required under this Act to sell a part only of any house, building or factory, or of a park or garden belonging to a house, or a part only of any agricultural unit, if he is willing and able to sell the whole of the house, building, factory, park, garden or agricultural unit, unless the tribunal determines—

(a) in the case of a house, building, factory or agricultural unit, that such part as is proposed to be taken can be taken without material detriment to the house, building, factory or agricultural unit; or

(b) in the case of a park or garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(2) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part, and thereupon the person interested shall be required to sell to the Authority that part of the house, building, factory, park, garden or agricultural unit.

(3) In this section, the expression “ agricultural unit ” has the meaning assigned to it by section 109 of the Agriculture Act, 1947.

Power to  
expedite  
entry.

**26.** At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act, or in respect of any easement or right in or over any such land, but not less than three months after giving to the owner and occupier



of the land notice of their intention to exercise the powers of this section, the Authority may enter on, and take possession of, the land, or such part thereof as is specified in the last-mentioned notice, or enter on the land in respect of which the easement or right is to be acquired (as the case may be), without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

PART III  
—cont.

Provided that the Authority shall pay the like compensation for land of which possession is taken under this section, or for any easement or right acquired, and the like interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.

27.—(1) Any person acting on behalf of the Authority and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times, enter on any land which the Authority are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Authority, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land.

(2) Any power conferred by this section to survey land shall include power to make trial borings for the purpose of ascertaining the nature of the subsoil:

Provided that no works authorised by this subsection shall be carried out, unless notice of the intention to carry out the same has been included in the notice required under subsection (1) of this section.

(3) The Authority shall make compensation to the owner and occupier of any land on which works are carried out under subsection (2) of this section for any damage sustained by the owner or occupier by reason of the carrying out of such works (such compensation being determined in case of dispute by the tribunal), and, if the land on which any such works are carried out is not acquired by the Authority, the Authority shall make good and restore the surface of the land.

28. In determining any question of disputed compensation or purchase money in respect of land or easements or rights in or over land acquired under this Act, the tribunal shall not take into account—

Disregard of recent improvements and interests.

(a) any improvement or alteration made, or building erected, after the fifth day of December, nineteen hundred and sixty-two; or

(b) any interest in the land created after the said date;

which, in the opinion of the tribunal, was not reasonably necessary and was made, erected or created with a view to obtaining, or increasing, the compensation or purchase money.

PART III  
—*cont.*  
Extinction of  
private  
rights of  
way.

**29.**—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall, as from the acquisition of the land, whether compulsorily or by agreement, be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Authority compensation, to be determined, in case of dispute, under, and in accordance with, the Land Compensation Act, 1961.

Agreements  
with  
adjoining  
owners.

**30.**—(1) The Authority may enter into, and carry into effect, agreements with any person, being the owner of, or interested in, any land abutting on any portion either of the works authorised by this Act or of land which may be acquired under this Act, with respect to the sale by the Authority to him of any land, including any part of a street, appropriated by the Authority under this Act and not required for those works.

(2) The Authority may accept, as satisfaction for the whole or any part of the consideration for any such sale, the grant by the purchaser of any land required by the Authority for the purposes of this Act, or any easement or right so required.

Dwelling-  
houses for  
employees  
of Authority.

**31.**—(1) The Authority may purchase, or take on lease, and maintain houses and buildings for persons in their employment and may also erect, maintain and let to such persons any houses and buildings upon any land for the time being belonging, or leased, to the Authority.

(2) No power conferred upon the Authority by this section shall be exercised in such a manner as to be at variance with any trust, subject to which any land or building is held, managed or controlled by the Authority, without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or that other person.

Power to  
reinstate  
owners or  
occupiers of  
property.

**32.**—(1) The Authority may enter into, and carry into effect, an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land and, for that purpose, the Authority may pay or receive money for equality of exchange.

Compensation  
for displaced  
persons.

**33.**—(1) The Authority shall pay to any person displaced from any land acquired under this Act such sum as will be equal to the loss or expense which such person sustains or is put to by reason of his having to quit the land and by reason of any personal hardship which he sustains.



(2) Any difference as to any sum payable under the foregoing subsection shall be determined by a single arbitrator to be agreed upon between the parties to the difference or in default of such agreement appointed by the President of the Royal Institution of Chartered Surveyors.

PART III  
—cont.

(3) In determining any sum payable under this section regard shall be had to the period for which the land might reasonably have been expected to be available for occupation by the person displaced and the availability of other land suitable for occupation by him.

(4) The provisions of this section shall be in addition to and not in derogation of any enactment or any rule of law relating to compensation for disturbance.

#### PART IV

##### WORKS, REGULATION OF FLOW OF RIVER AND ABSTRACTION OF WATER

34.—(1) Subject to the provisions of this Act, the Authority may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the county of Montgomery the works hereinafter described:—

Power to  
construct  
works.

Work No. 1 An impounding reservoir (to be called “the Clywedog Reservoir”) in the parishes of Llanidloes Without and Trefeglwys in the rural district of Newtown and Llanidloes to be formed by means of a main dam (to be called “the Clywedog Dam”) across the afon Clywedog wholly in the said parish of Llanidloes Without;

Work No. 2 An embankment (to be called “the Bwlch y gle Dam”) in the said parish of Llanidloes Without commencing in the enclosure numbered 1021 on the 1/2500 Ordnance map of Montgomeryshire sheet No. XLI. 11 (edition of 1902) and terminating in the enclosure numbered 1090 on the said sheet of the said Ordnance map;

Work No. 3 A new road in the said parishes of Trefeglwys and Llanidloes Without (including bridges over the afon Biga and nant Croes and an improvement of part of the public highway from Eblid to Deildre Hill) commencing in the said parish of Trefeglwys at the public highway from Cwm Biga to Staylittle and terminating by a junction with the intended new road (Work No. 4);

Work No. 4 A new road in the said parish of Llanidloes Without (including a bridge across the afon Clywedog) commencing at the point of commencement of the

PART IV  
—cont.

Clywedog Dam forming part of Work No. 1 and terminating by a junction with the public highway from Bwlch y gle to Llanidloes;

Work No. 5 An improvement, widening and partial diversion in the said parish of Llanidloes Without of the public highway from Bwlch y gle to Llanidloes commencing at the terminations of Works Nos. 4 and 6 and terminating at the junction of that highway with the public highway B 4518;

Work No. 6 An improvement, widening and partial diversion in the said parishes of Trefeglwys and Llanidloes Without of the road from Staylitle to Llanidloes via Bwlch y gle (including the construction of a road over the Bwlch y gle Dam (Work No. 2)) commencing in the said parish of Trefeglwys at the junction of the last-mentioned road with the public highway B 4518 and terminating in the said parish of Llanidloes Without at the termination of Work No. 4.

(2) The Authority shall erect a good and sufficient fence on each side of each of the bridges forming part respectively of Works Nos. 3 and 4.

(3) If the works authorised by this section are not completed within the period of fifteen years from the passing of this Act then on the expiration of that period the powers granted by this Act for constructing such works or otherwise in relation thereto shall cease except as to so much thereof as is then completed:

Provided that the Authority may from time to time alter and renew Works Nos. 1 and 2.

Power to  
Authority to  
stop up roads,  
bridleroads  
and footpaths.

**35.**—(1) Subject to the provisions of this Act, the Authority may stop up the roads, bridleroads and footpaths or portions thereof in the rural district of Newtown and Llanidloes referred to in the next following table, so far as the same are shown on the deposited plans as intended to be stopped up, and thereupon all public rights of way over the said roads, bridleroads and footpaths, or portions thereof, shall be extinguished:—

Parish in which situate	Road, bridleroad or footpath	Letters on deposited plans denoting points between which road, bridleroad or footpath or portion thereof to be stopped up	Sheet No. or Nos. of deposited plans on which stopping up shown
Trefeglwys	Road	a and b	1, 4 and 6
	Bridleroad	j and a	1, 2 and 4
	Footpath	t and u	2
	Footpath	v and w	2
	Footpath	x and y	4
	Footpath	a and aa	4
	Footpath	z and a	4
	Footpath	ag and ah	6
	Footpath	aj and c	6



PART IV  
—cont.

Parish in which situate	Road, bridleroad or footpath	Letters on deposited plans denoting points between which road, bridleroad or footpath or portion thereof to be stopped up	Sheet No. or Nos. of deposited plans on which stopping up shown
Llanidloes Without	Road	g and h	1 and 7
	Bridleroad	n and o	1, 7 and 9
	Bridleroad	f and bd	1 and 7
	Footpath	ac and ad	5
	Footpath	ae and af	5 and 6
	Footpath	an and ao	6
	Footpath	as and ar	6
	Footpath	q and r	6
	Footpath	at and au	6 and 8
	Footpath	aw and ax	6
	Footpath	ay and az	7
	Footpath	av and s	8
	Footpath	bg and bf	9
Trefeglwys and Llanidloes Without	Road	e and f	1, 6 and 7
	Road	c and d	1 and 6
	Bridleroad	k and a	1, 3 and 4
	Bridleroad	l and m	1, 5 and 6
	Footpath	ap and ar	6
	Footpath	ba and bb	7

(2) Subject as aforesaid, the Authority may also stop up so much of any other roads, bridleroads or footpaths in the parishes of Trefeglwys and Llanidloes Without in the said rural district as may be situate on any lands acquired by the Authority under the powers of section 23 (Power to acquire lands) of this Act, which are required for the purpose of any of the works authorised by this Act, or for obtaining materials for the construction thereof, and thereupon all public rights of way over any such portions of roads, bridleroads and footpaths shall be extinguished.

(3) No portion of any road, bridleroad or footpath shall be stopped up under the powers of this section until the Authority are in possession of all lands on both sides of such portion except so far as the owners, lessees and occupiers of those lands may otherwise agree.

36.—(1) Subject to the provisions of this Act, the Authority may divert the bridleroads and footpaths in the rural district of Newtown and Llanidloes in the manner shown on the deposited plans and may stop up and cause to be discontinued as a public highway so much of any road, bridleroad and footpath within the limits of deviation shown on the deposited plans as will be rendered unnecessary by the diversion thereof as aforesaid or as part of or in consequence of any of the works authorised by this Act.

Power to divert bridleroads and footpaths.

**PART IV**  
—cont.

(2) Notwithstanding anything contained in section 35 (Power to Authority to stop up roads, bridleroads and footpaths) of this Act or subsection (1) of this section—

- (i) no part of the road between the points marked “ e ” and “ f ” on the deposited plans or of the bridleroad between the points marked “ f ” and “ bd ” on the deposited plans shall be stopped up until the new road (Work No. 4) and so much of the new road (Work No. 3) as lies between its junction with the road to Pen-y-Banc and its termination are completed;
- (ii) no part of the footpath between the points marked “ bg ” and “ bf ” on the deposited plans shall be stopped up until the footpath between the points marked “ bg ” and “ bh ” on the deposited plans and so much of the new road (Work No. 4) as lies between the points marked “ bh ” and “ bf ” on the deposited plans are completed;
- (iii) no part of the road between the points marked “ a ” and “ b ” on the deposited plans shall be stopped up until the new road (Work No. 3), the new bridleroad between the points marked “ l ” and “ p ” on the deposited plans and (subject to the provisions of section 37 (Construction of highway works by county council) of this Act) the new accommodation road between the points marked “ bj ” and “ bk ” on the deposited plans are completed; and
- (iv) no part of any other road, bridleroad or footpath to be diverted under the powers of subsection (1) of this section shall be stopped up until (as the case may be) the road, bridleroad or footpath to be substituted therefor is completed:

Provided that (subject to the provisions of the said section 37) the Authority shall not be required under this section to construct or complete any road, bridleroad or footpath to a greater width or better standard than the portion of the road, bridleroad or footpath for which the said road, bridleroad or footpath (as the case may be) is substituted.

(3) For the purposes of this section a road, bridleroad or footpath shall be deemed to be completed when (except for the top surface) the county council are satisfied that the road, bridleroad or footpath has been completed in accordance with their reasonable requirements and is open for public use or, in the case of difference between the Authority and the county council as to whether the said requirements have been complied with or as to their reasonableness, the matter in dispute has been referred to



and determined by the Minister of Transport and he shall have certified that the said road, bridleroad or footpath (as the case may be) (except for the top surface) has been completed in accordance with his determination.

PART IV  
—cont.

(4) As from the date of the completion of any such diverted road, bridleroad or footpath, all public rights of way over or along the portion of the road, bridleroad or footpath so stopped up shall be extinguished.

(5) Either before or as soon as practicable after the completion of Works Nos. 1 and 2 the Authority shall complete in accordance with the reasonable requirements of the county council, or, in the case of difference between the Authority and the county council as to whether the said requirements have been complied with or as to their reasonableness if the matter in dispute has been referred to and determined by the Minister of Transport, in accordance with his determination, the top surface of every road, bridleroad and footpath deemed by virtue of subsection (3) of this section to have been completed.

(6) Before applying to the Minister of Transport for his determination under subsection (3) or subsection (5) of this section the Authority shall give to the county council not less than seven days' notice of their intention to apply for the same.

(7) Any bridleroad or footpath diverted under the powers of this section shall be repairable by the county council and be subject to the same public rights of way as were exercisable over the bridleroad or footpath before its diversion.

37.—(1) In this section “the highway works” means the carriageways of Works Nos. 3, 4, 5 and 6 and the construction or diversion under the powers of this Act of any other road or any bridleroad or footpath.

Construction  
of highway  
works by  
county  
council.

(2) Within one month after the passing of this Act the county council may (if they think fit) serve on the Authority a notice (in this section referred to as a “construction notice”) stating their desire that the whole or any part or parts of the highway works shall be constructed to such width or widths (in the case of the carriageway of Work No. 3 or of Work No. 6 being greater than nine feet, in the case of the carriageway of Work No. 4 or of Work No. 5 being greater than sixteen feet or, in the case of a road, bridleroad or footpath substituted for an existing road, bridleroad or footpath, being greater than the width of the road, bridleroad or footpath for which it is substituted) as may be specified in the construction notice or that the new accommodation road between the points marked “bj” and “bk” on the deposited plans shall be constructed in a position different from that shown

PART IV  
—cont.

on the deposited plans, and the county council shall in the construction notice state which (if any) of such of the highway works as aforesaid they intend to construct.

(3) (a) If the county council serve a construction notice on the Authority and in the construction notice state that they intend to construct the whole or any part or parts of the highway works (in this section referred to as “ the county council works ”), the Authority may at any time after the receipt of the construction notice serve a counter-notice on the county council requiring them to construct all or any of the county council works within such reasonable period or periods as may be specified in the counter-notice:

Provided that the Authority may serve different counter-notices in respect of different parts of the county council works and may require the construction of different parts of the county council works within different periods.

(b) Any period specified in a counter-notice served by the Authority under paragraph (a) of this subsection shall be deemed to be reasonable unless within fourteen days from the receipt of the counter-notice the county council serve a further notice on the Authority alleging that the period is unreasonable.

(c) If the county council serve a further notice on the Authority under paragraph (b) of this subsection in respect of the period specified in a counter-notice for the construction of Work No. 4, the Authority, and not the county council, shall subject to the provisions of subsection (6) of this section construct as agents for the county council but at their own expense Work No. 4 to the width specified in the construction notice and within the period specified in the counter-notice served in respect of that work.

(d) If the county council serve on the Authority a further notice under paragraph (b) of this subsection in respect of the period specified in a counter-notice for the construction of any of the highway works other than Work No. 4, the question as to whether that period is reasonable shall be determined by an arbitrator who, if he is of opinion that the period is unreasonable, shall substitute such longer period as he may consider reasonable and thereupon the longer period shall be deemed to have been specified in the counter-notice instead of the period in question.

(e) In arbitrations under paragraph (d) of this subsection the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other.



(4) If the county council serve a construction notice, then subject to the provisions of subsection (6) of this section—

PART IV  
—cont.

(a) the Authority shall construct as agents for the county council but at their own expense—

(i) such part or parts of the highway works as is not or are not county council works, to the width or widths specified in the construction notice; and

(ii) the said new accommodation road in such position and to such width as is specified in the construction notice, unless the county council in the construction notice state that they intend to construct the same; and

(b) (subject to the provisions of paragraph (c) of subsection (3) of this section) the county council shall construct within the period or respective periods specified or deemed to have been specified in the counter-notice or counter-notices served under subsection (3) of this section—

(i) the county council works to such width or widths as may be specified in the construction notice; and

(ii) the said new accommodation road in such position and to such width as is specified in the construction notice (if the county council in the construction notice state that they intend to construct the said new accommodation road);

and may recover the cost thereof from the Authority in any court of competent jurisdiction:

Provided that the Authority shall not be required to construct as agents for the county council any part of the said new accommodation road outside the limits of deviation shown on the deposited plans unless the county council acquire and convey to the Authority the land required for that purpose but the county council may recover from the Authority the cost incurred by them in the acquisition of the land.

(5) (Subject to the provisions of paragraph (c) of subsection (3) of this section) if the county council fail to complete the construction of the whole or any part of the county council works within the period specified or deemed to have been specified in relation thereto in the counter-notice served under subsection (3) of this section, they shall be responsible for and make good to the Authority all costs, charges, and expenses which may be occasioned to the Authority by reason of such failure and shall effectively indemnify and hold harmless the Authority from and against all claims or demands arising out of or in consequence of such failure:

PART IV  
—cont.

Provided that the Authority shall give to the county council notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the consent of the county council.

(6) (a) So much of the cost of the construction of the highway works as shall be borne by the Authority shall not exceed in the aggregate four hundred and seventy-five thousand pounds and accordingly—

(i) the county council shall not be entitled to recover from the Authority under the provisions of subsection (4) of this section an amount or amounts in the aggregate exceeding the difference between four hundred and seventy-five thousand pounds and the total expenditure incurred by the Authority in the construction of so much of the highway works as may be constructed by them; and

(ii) the Authority shall not be required to construct any of the highway works to such width or widths that the total cost of the construction of the highway works by them (when added to the amount or amounts which may be recovered from them under subsection (4) of this section) exceeds four hundred and seventy-five thousand pounds.

(b) For the purposes of this subsection any amounts paid by the county council to the Authority under subsection (5) of this section shall be disregarded.

(7) If in the construction notice the county council indicate their desire that the said new accommodation road shall be constructed in a different position from that shown on the deposited plans, the Authority shall be under no obligation to construct the said new accommodation road in the position shown on the deposited plans.

Vesting and  
maintenance  
of new  
roads, etc.

38.—(1) The new roads (Works Nos. 3 and 4) and the road improvements (Works Nos. 5 and 6) shall, when completed, be maintained and repaired by, and at the expense of, the Authority for a period of one year from the completion thereof and, at the expiration of that period, shall vest in, and be maintained and repaired by, and at the expense of, the county council.

(2) For the purposes of this section a new road or road improvement shall be deemed to be completed when the county council are satisfied that the new road or road improvement has been completed in accordance with their reasonable requirements and is open for public use or, in the case of a difference between the Authority and the county council as to whether the said requirements have been complied with or as to their reasonableness, the matter in dispute has been referred to and determined by the



Minister of Transport and he has certified that the said new road or road improvement has been completed in accordance with his determination.

PART IV  
—cont.

(3) Before applying to the Minister of Transport for his determination the Authority shall give to the county council not less than seven days' notice of their intention to apply for the same.

39. The works authorised by this Act, except the bridleroads and footpaths constructed under the powers of section 36 (Power to divert bridleroads and footpaths) of this Act, shall for all purposes form part of the undertaking: Works to form part of undertaking.

Provided that Works Nos. 3, 4, 5 and 6 shall cease to form part of the undertaking as from the date on which they vest in the county council under section 38 (Vesting and maintenance of new roads, etc.) of this Act.

40.—(1) The Authority during, and for the purpose of, the execution of the works authorised by this Act may temporarily stop up and divert, and interfere with, any highway or drain or culvert and, in the case of any highway, may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway from passing along and using the same. Temporary stoppage of highways, etc.

(2) The Authority shall provide reasonable access for foot-passengers with or without animals bona fide going to or from any such land, house or building.

(3) The Authority shall not exercise the powers of this section in relation to a highway without the consent of the county council, but such consent shall not be unreasonably withheld and any question whether such consent is, or is not, unreasonably withheld shall be determined by the Minister of Transport.

(4) The Authority shall not exercise the powers of this section in relation to a drain or culvert without providing a proper substitute before interrupting the passage of water in or through such drain or culvert, and shall make compensation for any damage caused to any person by the exercise of such powers in relation to a drain or culvert, the amount of such compensation being, in case of dispute, referred to, and determined by, the tribunal.

41.—(1) It shall be lawful for the Authority to divert and alter the course of any river, stream, watercourse or ditch over any lands acquired by them for the purposes of the works authorised by this Act and the existing bed, banks and channel of the diverted portion of any such river, stream, watercourse and ditch, together with all riparian rights, shall, by virtue of this Act, vest in the Authority and may be appropriated and used by the Authority for the purposes of, or in connection with, those works. Power to divert rivers, streams, etc.

PART IV  
—cont.

(2) In the exercise of the powers conferred by this section the Authority shall do as little damage as may be, and shall pay compensation to all persons for damage sustained by them, or any liability to which they may become subject, by reason of the exercise of those powers, and any difference as to the amount of the compensation to be paid shall be determined by the tribunal.

(3) The provisions of this section shall be in addition to, and not in substitution for, or in derogation of, any other provision of this Act relating to the diversion of rivers, streams, watercourses or ditches or the acquisition of lands.

Application of section 145 of Act of 1933.

42. The provisions of section 145 of the Act of 1933 shall apply with respect to the alteration of any watercourse under the powers of section 41 (Power to divert rivers, streams, etc.) of this Act as if the alteration were done in the exercise of powers conferred by the Land Drainage Act, 1930.

Accommodation for workmen employed on construction of works.

43. The Authority shall provide and maintain, or cause to be provided and maintained, for the workmen employed in and about the construction of the works authorised by this Act, such accommodation and such arrangements for meals as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of, or conveniently accessible from, the said works, and shall provide and maintain proper and sufficient sanitary accommodation for such workmen.

Powers to take water from afon Clywedog and other streams.

44. Subject to the provisions of this Act, the Authority may divert, impound, take and use for the purposes of this Act the waters of the afon Clywedog and all such other rivers, streams, springs, tributaries and feeders flowing into the afon Clywedog and all such other waters as may be taken and intercepted by means of the reservoir and works connected therewith, and may raise or lower or regulate the water, or the level or the flow of water, in the said rivers, streams, springs, tributaries and feeders, or any of them, to such extent as may be necessary for the purpose of the construction or operation of the works authorised by this Act, or other the purposes of this Act.

Power to take water for construction of works.

45. Subject to the provisions of this section, during the construction of the works authorised by this Act and the works connected therewith the Authority may take from the afon Clywedog and other rivers, streams, springs, tributaries and feeders flowing into the afon Clywedog such water as they may require for processes carried on in connection with the construction of the said works:

Provided that the Authority shall not take any water under the powers of this section at any time when the flow of water in the afon Clywedog at Clywedog gauge is less than five hundred thousand gallons per day.



46.—(1) During the first filling of the reservoir until the appointed day the Authority shall discharge from the reservoir into the afon Clywedog at a point therein situated above Clywedog gauge a quantity of water in a uniform and continuous flow not being less than five million gallons per day measured by Clywedog gauge:

PART IV  
—cont.

Discharge of  
water from  
reservoir.

Provided that if at any time during the first filling of the reservoir and before the appointed day there is not sufficient water in the reservoir to enable the Authority to comply with the foregoing provisions of this subsection, the Authority shall discharge from the reservoir into the afon Clywedog, at such point as aforesaid, only such water as shall at that time flow naturally into the reservoir.

(2) On and after the appointed day, the Authority shall discharge from the reservoir into the afon Clywedog at a point therein situated above Clywedog gauge—

- (a) a quantity of water in a uniform and continuous flow not being less than four million gallons per day measured by Clywedog gauge; and
- (b) such additional quantity of water (if any) as may from time to time be necessary for the purpose of ensuring that the rate of flow of water in the river at Bewdley gauge is not less than one hundred and sixty million gallons per day.

47.—(1) If the Authority—

Provisions  
applicable to  
foregoing  
sections of  
this Act.

- (a) take any water in contravention of the proviso to section 45 (Power to take water for construction of works) of this Act, or
  - (b) fail to comply with the requirements of section 46 (Discharge of water from reservoir) of this Act with respect to the discharge of water into the afon Clywedog,
- they shall, without prejudice to their civil liability (if any) to a person aggrieved, be liable—

- (i) on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or continued; and
- (ii) on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day:

Provided that the Authority shall not be under any liability under the foregoing provisions of this section in respect of any such failure as is therein referred to, if such failure is due to exceptional drought, unavoidable accident or other unavoidable cause or to the abstraction of water from any of the authorised sources by any person (not being any of the water authorities) otherwise than in the lawful exercise of any right to which he is entitled at common law or under any enactment.

PART IV  
—cont.

## (2) If—

- (a) proceedings are brought against the Authority for an offence under paragraph (b) of subsection (1) of this section for failure to comply with the requirements of paragraph (b) of subsection (2) of section 46 (Discharge of water from reservoir) of this Act; and
- (b) the Authority allege that the failure to comply with the said requirements was due to the act or default of any one or more of the water authorities;

the Authority shall, upon information duly laid by them and on giving to the prosecution not less than three clear days' notice of their intention, be entitled to have that water authority or those water authorities made a party or parties to the proceedings, and if, after the offence has been proved, the Authority prove that the rate of flow of water in the river at Bewdley gauge at the time relevant to the offence was less than one hundred and sixty million gallons per day by reason of that water authority or those water authorities or any of them abstracting water from any of the authorised sources at a rate greater than the appropriate rate specified in the third column of the statutory table, or (if the water authority have informed the Authority that during the relevant period they intend to abstract water at a lesser rate) at a rate greater than that at which they informed the Authority that they would so abstract water, such water authority or water authorities may be convicted of the offence and if the Authority further proves that at the time relevant to the offence the rate of flow of water in the river at Bewdley gauge would not have been less than one hundred and sixty million gallons per day, if such water authority or water authorities had not been abstracting water as aforesaid, the Authority shall be acquitted of the offence:

Provided that a water authority shall not be under any liability under the provisions of this subsection in respect of any act or default if such act or default is due to unavoidable accident or other unavoidable cause.

(3) Where the Authority seek to avail themselves of the provisions of the last foregoing subsection—

- (a) the prosecution as well as the water authority or water authorities who are a party or parties to the proceedings shall have the right to cross-examine any witness called by the Authority in support of their pleas and to call rebutting evidence; and
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(4) The provisions of section 46 (Discharge of water from reservoir) of this Act and the foregoing provisions of this section



shall be accepted and taken by all persons interested as full satisfaction for all waters impounded by the reservoir and works connected therewith.

PART IV  
—cont.

(5) For the purposes of this section, the river board and the British Waterways Board shall be deemed to be aggrieved by the commission of an offence under this section.

48.—(1) In order that some of the capacity of the reservoir shall be available for the reception of water to mitigate flooding so far as is reasonably practicable and without prejudicing the operation of section 46 (Discharge of water from reservoir) of this Act, the Authority shall after the appointed day during the period from the first day of October in any year to the thirtieth day of April in the next succeeding year discharge from the reservoir into the afon Clywedog, in addition to the water which they are required to discharge under the said section 46, such further water (if any) as may be necessary to maintain so far as is reasonably practicable the water in the reservoir at a level not above the prescribed level:

Further discharge of water from reservoir.

Provided that nothing in this section shall require the Authority to discharge water—

- (a) so that the aggregate rate of discharge of water under this section and under the said section 46 exceeds two hundred and seventy million gallons per day; or
- (b) if such discharge appears to the Authority to be likely to prevent or prejudice the carrying out by the Authority at any future time of their obligations under the said section 46.

(2) The Authority shall before the appointed day construct and shall thereafter maintain in good order a gauge or other apparatus to record the depth below the overflow cill of the reservoir of the level of the water in the reservoir during the period from the first day of November in any year to the first day of May in the next succeeding year and shall permit the county council and the river board to inspect and examine such gauge and any records made thereby or kept by the Authority in connection therewith and to take copies of any such records.

(3) In this section the expression “prescribed level” means—

- (a) on any of the dates mentioned in the first column of the table contained in the Fifth Schedule to this Act the level at the depth below the overflow cill of the reservoir specified opposite thereto in the second column of the said table; and
- (b) on any other date in any month between the first day of November in any year and the first day of May in the next succeeding year the level being such number of feet (to the nearest one-twelfth of a foot) below the

PART IV  
—cont.

said overflow cill as is produced by subtracting from the prescribed depth for the first day of that month the difference between that depth and the prescribed depth for the first day of the next succeeding month multiplied by the number of days in the month which have elapsed before that date and divided by the number of days in the month.

(4) (a) At any time after the expiration of ten years from the appointed day the Minister may if he is satisfied that the prescribed level is at certain times higher or lower than is necessary for achieving the purposes mentioned in subsection (1) of this section by order made on the application of the Authority after consultation with the county council and the river board vary in such manner as he may think fit the table contained in the Fifth Schedule to this Act.

(b) An order made by the Minister under this subsection shall be subject to special parliamentary procedure.

Supply of  
water in bulk  
to  
Montgomery-  
shire Water  
Board.

49. After the appointed day, the Authority shall supply from the reservoir to the Montgomeryshire Water Board such quantity of water in bulk not exceeding 2.5 million gallons per day as the said water board may by notice from time to time require and such supply shall be given on such terms and conditions as may be agreed between the parties or as in default of agreement may be determined by the Minister who may determine them himself or, if he thinks fit, may refer them for determination by an arbitrator to be appointed by him:

Provided that nothing in any such terms or conditions shall modify any of the provisions of Part V (Financial provisions) of this Act.

Power for  
certain water  
authorities  
to take water  
from river.

50.—(1) In addition to and without prejudice to any other right to abstract water for the time being vested in them, each of the water authorities mentioned in the first column of Part I of the Sixth Schedule to this Act may, on and after the appointed day, by means of the intake or intakes described in the second column of the said schedule opposite to their name, abstract, divert and appropriate, take and use for the purposes of their water undertaking (or in the case of the electricity board, for the purposes of their undertaking) water from the river at a rate not exceeding the rate specified in the third column of the said schedule opposite to their name.

(2) In addition to and without prejudice to any other right to abstract water for the time being vested in them, each of the water authorities mentioned in the first column of Part II of the Sixth Schedule to this Act may, on and after the appointed day and when the intake mentioned in the second column of the said schedule opposite to their name has been duly authorised and constructed,



abstract, divert and appropriate, take and use for the purposes of their water undertaking, by means of that intake, water from the river at a rate not exceeding the rate specified in the third column of that schedule opposite to their name:

PART IV  
—cont.

Provided that nothing in this section shall authorise the Wolverhampton Corporation to make use of the intake mentioned in the second column of the said schedule opposite to their name otherwise than in accordance with the provisions of the enactment by which the construction of that intake is authorised.

(3) The electricity board and each of the water authorities mentioned in Part II of the Sixth Schedule to this Act shall, before abstracting any water from the river under the powers of this section, construct and shall thereafter maintain in good order a gauge or other apparatus approved by the Minister to gauge the rate at which water is so abstracted by them from the river.

(4) If—

(a) the electricity board or any of the water authorities mentioned in Part II of the Sixth Schedule to this Act fail to construct or maintain in good order any such gauge or other apparatus as aforesaid or refuse to allow any person interested to inspect and examine any such gauge or apparatus or any records made thereby or kept by them in connection therewith or to take copies of any such records; or

(b) any of the water authorities mentioned in the Sixth Schedule to this Act abstract, under the powers of this section, any water from the river contrary to the provisions of this section;

they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable in the case of an offence under paragraph (a) of this subsection, to a fine not exceeding fifty pounds, in respect of each day on which the offence has been committed or has continued, and in the case of an offence under paragraph (b) of this subsection—

(i) on summary conviction, to a fine not exceeding fifty pounds in respect of each such day; and

(ii) on conviction on indictment, to a fine not exceeding five hundred pounds in respect of each such day:

Provided that a water authority shall not be liable to a fine under this section and a fine under any other enactment in respect of the same abstraction of water.

(5) Subsection (3) and paragraph (a) of subsection (4) of this section shall not apply to the Wolverhampton Corporation.

PART IV  
—cont.

(6) For the purposes of this section the river board and the British Waterways Board shall be deemed to be interested in the flow of water in the river and shall be deemed to be aggrieved by the commission of an offence under this section.

Abstractions  
by South  
Staffordshire  
Waterworks  
Company and  
Wolver-  
hampton  
Corporation.

**51.**—(1) Notwithstanding anything in this Act, the South Staffordshire Waterworks Company (in this section referred to as “the company”) or the Wolverhampton Corporation may, in pursuance of any agreement from time to time entered into between the company and the Wolverhampton Corporation abstract any water which the other party to the agreement is from time to time by this Act authorised to abstract from the authorised sources:

Provided that the rate at which water is so abstracted by the company and the Wolverhampton Corporation shall not exceed in the aggregate the sum of the maximum rates specified opposite to their names respectively in the third column of the statutory table.

(2) The company and the Wolverhampton Corporation shall give to the Authority notice of any agreement entered into under subsection (1) of this section, specifying the respective rates at which water is to be taken by the company and by the Wolverhampton Corporation under the agreement and the period for which the agreement is to operate and during such period the statutory table shall have effect as if in place of the maximum rates respectively set opposite to the names of the company and the Wolverhampton Corporation in the third column thereof there were inserted the rates specified in the agreement.

(3) The South Staffordshire and Wolverhampton (River Severn) Water Order, 1963, shall have effect as if in section 2 (Interpretation) thereof in the definition of “the water available for supply” there were inserted after the figures “1963” the words “and under and by virtue of the Clywedog Reservoir Joint Authority Act 1963”.

Information  
as to  
abstractions.

**52.**—(1) After the appointed day each of the water authorities shall give to the Authority such information as the Authority may from time to time require as to the rates at which they intend to abstract water from the authorised sources, and shall supply on demand to the Authority and each month to the river board such records of the daily quantities of the water so abstracted by them as the Authority and the river board shall respectively reasonably demand.

(2) After the appointed day the electricity board shall in respect of water abstracted by them under the powers of section 50 (Power for certain water authorities to take water from river) of this Act and of additional water abstracted or deemed to be abstracted in consequence of a consent given by the Minister of



Power under subsection (1) or subsection (2) of section 56 (Additional abstractions by electricity board) of this Act, supply on demand to the Authority and to the river board such records of the daily quantities of water returned by them to the authorised sources as the Authority or (as the case may be) the river board shall by notice reasonably demand.

PART IV  
—cont.

(3) The Authority shall permit the water authorities and the British Waterways Board to inspect the records supplied to them under subsection (1) of this section and to take copies of any such records.

**53.** If any of the water authorities abstracts water from the authorised sources at a rate exceeding the maximum rate specified in the third column of the statutory table (as amended from time to time in accordance with section 57 (Amendments to statutory table) of this Act) opposite to their name, they shall be liable on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or continued and on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day: Penalty for excessive abstractions.

Provided that a water authority shall not be liable to a fine under this section and a fine under any other enactment in respect of the same abstraction of water.

**54.** Nothing in section 53 (Penalty for excessive abstractions) of this Act shall prevent any of the water authorities from abstracting water from the authorised sources at a rate exceeding the maximum rate specified in the third column of the statutory table opposite to their name if— Saving for certain abstractions by water authorities.

(a) such abstraction is made in accordance with a right or rights to abstract water vested in them by this Act or any other enactment or by this Act and any other enactment; and

(b) the flow of water at the point of abstraction is not so reduced by such abstraction as to result in the flow of water in the river at Bewdley gauge being at a rate of less than one hundred and sixty million gallons a day ;

and accordingly a water authority shall not be liable to any proceedings or penalty under the said section 53 in respect of such abstraction of water as aforesaid by reason only that the rate thereof exceeds the said maximum rate:

Provided that the provisions of this section shall not apply in respect of an abstraction from any of the authorised sources situate upstream of Bewdley gauge at a time when water is being discharged from the reservoir under paragraph (b) of subsection (2) of section 46 (Discharge of water from reservoir) of this Act.

## PART IV

—cont.

Notices  
under Act  
of 1945.

**55.** For the purposes of—

- (1) any application by any of the water authorities (other than the electricity board) for an order under the Act of 1945 to authorise them to abstract from the authorised sources any water at a rate exceeding the rate shown in the third column of the statutory table opposite to their name;
- (2) any application by any statutory water undertakers other than the water authorities for an order under the Act of 1945 to authorise them to abstract water from the authorised sources;
- (3) any application by any of the water authorities other than the electricity board (whether or not jointly with any of the water authorities) for an order under subsection (1) of section 9 of the Act of 1945; and
- (4) any proposal by any of the water authorities to enter into an agreement under section 12 of the Act of 1945 for the giving by them of a supply of water in bulk;

the provisions of the First Schedule to the Act of 1945 relating to the serving of a copy of a notice and a copy of a draft order on the local authority of a county comprised wholly or partly in the area affected by the order or the sending of a copy of a notice to the council of any county exercising functions in relation to any watercourse from which water is obtained by the persons who propose to give the supply and the provisions of the said schedule relating to objections by such a local authority or council shall apply to the Authority and to all the water authorities (except any water authority or water authorities making the application) as if they were such a local authority or council of a county.

Additional  
abstractions  
by electricity  
board.

**56.**—(1) (a) The electricity board shall not without the consent of the Minister of Power convert any of their existing generating stations in which they use water abstracted from any of the authorised sources for the purposes of cooling operations without the use of a cooling tower or cooling towers so that in consequence of such conversion such water is used for cooling operations in conjunction with a cooling tower or cooling towers.

(b) If the Minister of Power consents to the conversion of a generating station under paragraph (a) of this subsection and is satisfied that in consequence of the conversion the rate at which it will be necessary for the electricity board to abstract water from the authorised sources for the purposes of that generating station will be less than the rate at which it was previously necessary for them to abstract water for that purpose but that it will be necessary for them to increase the net rate of abstraction of water, he may in giving his consent reduce the rate at which the electricity board may abstract water from the authorised



sources and may authorise an increase in the net rate of abstraction of water by the electricity board.

PART IV  
—cont.

(c) For the purposes of this Act an increase in the net rate of abstraction of water by the electricity board in consequence of the conversion of a generating station with the consent of the Minister of Power under paragraph (a) of this subsection shall notwithstanding the reduction in the rate of abstraction of water from the authorised sources in consequence of that conversion be deemed to be an abstraction by the electricity board of additional water from the authorised sources at a rate equivalent to that increase.

(2) Subject to the provisions of subsection (1) of this section the electricity board shall not abstract water from the authorised sources at a rate exceeding the maximum rate specified in the third column of the statutory table opposite to their name except for the purposes of a generating station to the construction or extension of which the Minister of Power gives his consent after the passing of this Act under section 2 of the Electric Lighting Act, 1909, as applied to the electricity board by the Electricity Act, 1947, and the Electricity Act, 1957.

(3) If the electricity board contravene any of the foregoing provisions of this section they shall be liable—

(a) in the case of a contravention of the provisions of subsection (1) of this section on summary conviction to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for each day on which they use the converted generating station without the consent of the Minister of Power, and on conviction on indictment to a fine not exceeding five hundred pounds and to a further fine not exceeding fifty pounds for each day on which they so use the converted generating station; and

(b) in the case of a contravention of the provisions of subsection (2) of this section on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued and on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day.

(4) Before making application to the Minister of Power for his consent under subsection (1) of this section or for his consent to the construction or extension of a generating station to which subsection (2) of this section applies the electricity board shall give notice of their intention so to do to the Authority and to the other water authorities and an opportunity shall be given to the Authority and to the other water authorities of stating any objections they may have to the granting of such consent.

PART IV  
—cont.

(5) In this section—

the expression “cooling tower” means a structure designed to achieve a reduction in the temperature of water by the direct exposure of such water to a current of air; and the expression “the net rate of abstraction of water” means the difference between the rate at which water is abstracted by the electricity board from the authorised sources and the rate at which water is returned by them to the authorised sources.

Amendments  
to statutory  
table.

57.—(1) (a) If the Minister makes an order in pursuance of any application to which paragraph (1) or paragraph (2) of section 55 (Notices under Act of 1945) of this Act applies or the Minister of Power gives a consent to the electricity board under subsection (1) of section 56 (Additional abstractions by electricity board) of this Act or to the construction or extension of a generating station to which subsection (2) of the said section 56 applies the Minister shall subject to the provisions of subsection (4) of this section after consultation with the Authority and all the water authorities by order make such amendments as are appropriate in the third column of the statutory table and if necessary in the first column thereof.

(b) If the Minister of Power in giving a consent to the electricity board under subsection (1) of the said section 56 reduces the rate at which the electricity board may abstract water from the authorised sources, the Minister shall by order amend the second column of the statutory table by making a corresponding reduction in the rate of abstraction therein set opposite to the name of the electricity board.

(2) If the Minister under subsection (1) of this section amends the first column of the statutory table by inserting the name of any additional statutory water undertakers he shall by order amend the provisions of this Act so as to provide for the appointment of a member of the Authority by those statutory water undertakers and so as to apply to such statutory water undertakers the provisions of this Act relating to constituent authorities with any necessary modifications.

(3) Any power to make an order conferred by the provisions of this section shall be exercisable by statutory instrument.

(4) Notwithstanding anything contained in this Act the third column of the statutory table shall not be amended—

(a) so as to reduce the maximum rate of abstraction set opposite to the name of any water authority without the consent of that water authority; or

(b) so as to reduce the maximum rate of abstraction set opposite to the name of the electricity board below the rate in the second column of the statutory table opposite



- to their name as for the time being reduced under paragraph (b) of subsection (1) of this section; or
- (c) so as to reduce the maximum rate of abstraction set opposite to the name of any water authority other than the electricity board below the rate in the second column of the statutory table opposite to their name; or
  - (d) so that the aggregate of the rates of abstraction specified in the third column of the statutory table would be so great that the capacity of the reservoir would be insufficient to accommodate the quantity of water necessary to enable the Authority to fulfil their obligations under subsection (2) of section 46 (Discharge of water from reservoir) of this Act if all the water authorities were abstracting water at the maximum rates specified in that column, if so amended.

**58.**—(1) Not later than one month after the date on which any amendment to the statutory table is made under the provisions of section 57 (Amendments to statutory table) of this Act the Authority shall—

Notices to be given by Authority.

- (a) publish notice of the amendment in the London Gazette and serve a copy of the notice on each of the water authorities; and
- (b) deposit an amended copy of the statutory table for public inspection at their principal office.

(2) Not later than the day which the Authority determine to be the appointed day the Authority shall publish notice of that day in the London Gazette and shall serve a copy of the notice on each of the constituent authorities.

## PART V

### FINANCIAL PROVISIONS

**59.** In this Part of this Act, unless the subject or context otherwise requires—

Definitions for this Part of Act.

the expression “initial capital costs” means—

- (a) the costs and expenses of or in connection with the construction of Works Nos. 1 to 6 and the works connected therewith other than any works required solely for giving a supply of water under section 49 (Supply of water in bulk to Montgomeryshire Water Board) of this Act;
- (b) the costs and expenses of or in connection with the acquisition of land and easements for those works;
- (c) the payment of the sums payable by the Authority under section 90 (Costs of Act) of this Act; and

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—cont.

(d) the making of any payments to the county council under the provisions of section 37 (Construction of highway works by county council) of this Act;

the expression “ additional capital costs ” means—

(a) the costs and expenses of or in connection with—

(i) the construction of any works authorised by this Act (other than Works Nos. 1 to 6 and the works connected therewith); and

(ii) the alteration and renewal of Works Nos. 1 and 2 and the works connected therewith and of any such works as are referred to in subparagraph (i) of this paragraph;

which the Authority resolve to carry out and which by such resolution they shall determine shall be additional capital works;

(b) the costs and expenses of or in connection with the acquisition of land and easements for those works; and

(c) any other costs, charges or expenses of a capital nature which the Authority by resolution determine shall be additional capital costs; and

the expression “ year ” means a year commencing on the first day of April.

Initial capital costs.

60.—(1) The initial capital costs shall be borne by the water authorities in the proportions of the percentage contributions specified in the fourth column of the statutory table.

(2) As soon as may be after the passing of this Act the Authority shall prepare and submit to each of the water authorities an estimate of the initial capital costs and shall attach to the estimate an account showing the capital contribution payable by that water authority.

Additional capital costs

61.—(1) If the Authority shall by resolution—

(a) determine to construct additional works authorised by this Act or to alter or renew Works Nos. 1 and 2 or either of them or works connected therewith or such additional works as aforesaid and shall by resolution determine that the same shall be additional capital works; or

(b) determine that any other costs, charges or expenses of a capital nature shall be additional capital costs;

the additional capital costs in respect of those works and the acquisition of land and easements therefor or (as the case may be) such other costs, charges or expenses shall be borne by such of the water authorities in such proportions as may be agreed between the Authority and all the water authorities or as in default of agreement may be determined by the Minister, who



may determine the proportions himself or, if he thinks fit, may refer them for determination by an arbitrator to be appointed by him.

PART V  
—cont.

(2) The Authority shall prepare and submit to each of the water authorities an estimate of the additional capital costs and shall attach to the estimate an account showing the additional capital contribution payable by that water authority in accordance with subsection (1) of this section.

62.—(1) Each of the water authorities shall pay to the Authority— Payments of capital costs.

- (a) the capital contributions payable by them and shown in the account delivered to them under section 60 (Initial capital costs) of this Act; and
- (b) any additional capital contribution payable by them and shown in an account delivered to them under section 61 (Additional capital costs) of this Act;

at such time or times as the Authority may by reasonable notice to the water authority require.

(2) If the actual cost of any matter included in the initial capital costs or the additional capital costs exceeds or is less than the estimated cost of that matter as submitted under the said section 60 or the said section 61 (as the case may be) the Authority shall notify each of the water authorities of the difference between the actual cost and the estimated cost, and the water authority shall pay to the Authority, or (as the case may be) the Authority shall pay to the water authority a sum equivalent to the same percentage of that difference as the percentage of the estimated cost paid by the water authority.

63.—(1) As soon as may be after the first meeting of the Authority the Authority shall prepare and deliver to each of the water authorities an estimate of the Authority's expenditure during the period from the passing of this Act until the thirty-first day of March, nineteen hundred and sixty-four on all costs, charges and expenses to be properly incurred by the Authority on revenue account after deducting a sum equivalent to the estimated revenue of the Authority in respect of that period other than revenue from payments to be made to the Authority under subsection (5) of this section. Payments of Authority's revenue expenditure.

(2) On or before the first day of January in each year after the passing of this Act the Authority shall prepare and deliver to each of the water authorities an estimate of the Authority's expenditure during the next succeeding year on all costs, charges and expenses to be properly incurred by the Authority on revenue account after deducting a sum equivalent to the estimated revenue of the Authority in respect of that year other than revenue from payments to be made to the Authority under subsection (5) of this section.

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—*cont.*

(3) If the net expenditure of the Authority in the period mentioned in subsection (1) of this section or in any year exceeds or is less than the estimated net expenditure for that period or year (as the case may be), an amount equivalent to such excess or deficit shall (as the case may require) be added to or deducted from the estimate in respect of the next but one succeeding year.

(4) The Authority shall attach to the estimates delivered to each of the water authorities under subsection (1) or subsection (2) of this section an account showing the sum payable by the water authority to the Authority being a sum equal to the percentage of the estimated expenditure of the Authority in accordance with the fourth column of the statutory table or such other percentage as may be agreed between the Authority and all the water authorities.

(5) Each of the water authorities shall in respect of—

(a) the period mentioned in subsection (1) of this section pay to the Authority the sum shown on the account delivered to them under subsection (4) of this section on such date as may be determined by the Authority; and

(b) each year pay to the Authority the sums shown on the accounts delivered to them under subsection (4) of this section by equal half-yearly instalments on such dates as may be determined by the Authority.

Payment of  
interest on  
sums overdue.

64. If any sum payable to the Authority by any of the water authorities under the provisions of section 62 (Payments of capital costs) and section 63 (Payments of Authority's revenue expenditure) of this Act is not paid to the Authority by the water authority within a period of thirty days after the day on which it is due to be paid, the water authority in default shall pay to the Authority interest on the sum so due, at the rate of one per centum over the bank rate for the time being, or the rate of five per centum (whichever shall be the greater), from the said day until the date of payment.

Contributions  
by county  
council.

65. The county council shall in each year pay to the Authority the sum of one hundred pounds on such day as may be determined by the Authority.

Rating of  
Authority's  
hereditaments.

66.—(1) Notwithstanding anything contained in any enactment but subject to the provisions of subsections (3) and (4) of this section every hereditament occupied by the Authority shall for the purposes of valuation for rating be deemed not to be occupied by the Authority but to be occupied by all the water authorities (except the electricity board) for the purposes of their statutory water undertakings in the proportions of the percentages specified in the fourth column of the statutory table:



Provided that if the statutory table is amended under section 57 (Amendments to statutory table) of this Act, the Minister may, after consultation with the water authorities concerned, by order amend the proportions referred to in this section.

(2) The power to make an order conferred by the provisions of this section shall be exercisable by statutory instrument.

(3) The provisions of subsection (1) of this section shall not have effect until the date on which the reservoir is occupied, and until that date any other property occupied by the Authority shall for the purposes of valuation for rating be deemed not to form part of a statutory water undertaking.

(4) The provisions of subsection (1) of this section shall not apply to dwelling-houses, and hereditaments occupied by the Authority as dwelling-houses shall be treated for the purposes of valuation for rating in like manner as if so occupied for any purposes for which no special provision is made by the law relating to valuation for rating.

67.—(1) For the purposes of the Rating and Valuation Act, 1961, water supplied in bulk by the Authority to the Montgomeryshire Water Board from the reservoir pursuant to section 49 of this Act shall be deemed not to have been supplied in bulk to the said water board and water shall not be treated as supplied to the water authorities by the Authority by reason only that the water authorities abstract or are authorised to abstract or are deemed by this Act to abstract water from the authorised sources; and references in the Rating and Valuation Act, 1961, to the supply of water in bulk shall be construed accordingly.

Rating of  
water  
authorities.

(2) Nothing in this section shall alter or affect the application of the provisions of the Rating and Valuation Act, 1961, to the taking of a supply of water in bulk by the Bristol Waterworks Company from the British Waterways Board under the provisions of Part IV of the Gloucester and Sharpness Canal (Water) Act, 1960.

68. If the statutory table is amended under section 57 (Amendments to statutory table) of this Act, such financial adjustment shall be made between the water authorities in respect of whom the statutory table has been amended or (if no reduction is made in any of the maximum rates set out in the third column of the statutory table) between all or any of the water authorities, as may be agreed between them or as in default of agreement may be determined by the Minister, who may determine the financial adjustment himself or, if he thinks fit, may refer it for determination by an arbitrator to be appointed by him.

Financial  
adjustments  
between water  
authorities.

69. The amount due to the Authority by any constituent authority under the foregoing provisions of this Part of this Act, and the amount of interest payable to the Authority by any constituent authority in default under section 64 (Payment of

Recovery of  
amounts due  
or payable  
to Authority.

PART V  
—cont.

interest on sums overdue) of this Act, shall be a debt due to the Authority from such constituent authority and may be recovered by the Authority in any court of competent jurisdiction.

Common  
fund of  
Authority.

70.—(1) Except as otherwise expressly provided by this Act, all the receipts of the Authority shall be carried to a common fund and all expenses incurred by the Authority shall be defrayed out of that fund.

(2) The Authority shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them, and those arrangements shall be carried out under the supervision of the treasurer.

Application  
of capital  
moneys  
received on  
disposal of  
land.

71. All capital moneys received by the Authority in respect of the disposal of any land forming part of the undertaking shall be paid by them to the water authorities in the proportions of the percentage contributions specified in the fourth column of the statutory table or shall be applied by them in such other way as may, except in cases fulfilling the conditions specified in paragraph (a) or in paragraph (d) of subsection (2) of section 27 of the Town and Country Planning Act, 1959, be approved by the Minister.

Accounts  
and audit.

72.—(1) The accounts of the Authority shall at all reasonable times be open to inspection and transcription, without payment, by any member of a constituent authority, or by any officer of any such authority authorised by that authority for that purpose.

(2) (a) The accounts of the Authority shall be audited annually.

(b) The Authority shall by a resolution (in this section referred to as “the initial resolution”) adopt either the system of district audit or the system of professional audit. The initial resolution shall be passed not later than two months after the first meeting of the Authority, at a meeting of the Authority specially convened for the purpose, of which not less than one month’s previous notice specifying the object of the meeting must be given to every member of the Authority.

(c) The provisions of Part X of the Act of 1933 (other than those of sections 237, 238 and subsections (1) and (2) of section 239) shall, with all necessary modifications, extend and apply to the Authority as if the Authority were the council of a borough:

Provided that—

(i) the following paragraph shall be substituted for paragraph (b) of subsection (3) of section 239 of the Act of 1933:—

“(b) no person shall be qualified to be so appointed unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;



the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

the Institute of Municipal Treasurers and Accountants;

any body of accountants established in the United Kingdom and for the time being recognised, for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade"; and

PART V  
—cont.

(ii) subsection (4) of the said section 239 shall not apply to the initial resolution.

(3) (a) It shall be lawful for the Authority, at any time after the expiration of a period of five years from the date of the initial resolution, and thereafter from time to time, by means of a subsequent resolution passed and confirmed in accordance with subsection (4) of the said section 239, to adopt the other of the two systems which are referred to in paragraph (b) of subsection (2) of this section.

(b) Not later than one month after the passing of any resolution to adopt the other of the two systems as aforesaid the Authority shall, by notice to the Minister, inform him of the system so adopted.

(4) A copy of the abstract of the accounts of the Authority, and of any report to the Authority made by an auditor, shall be sent by the Authority to each constituent authority so soon as may be after completion of the audit.

73.—(1) The Authority may pay—

Payment  
of certain  
expenses.

(a) to the chairman of the Authority 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 Authority on account of, or in connection with—

(i) the public opening or inspection of the Authority's works or any works forming part of the undertaking;

(ii) the provision of refreshments for any persons attending conferences or meetings convened by the Authority 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.

PART V  
—cont.

(2) The Authority may defray any travelling or other expenses reasonably incurred by, or on behalf of, any members or employees of the Authority in making official visits on behalf of the Authority or in attending conferences or meetings of any such society or body as is mentioned in subsection (4) of this section:

Provided that the amount defrayed under this subsection in respect of expenses of any member of the Authority 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 of that member within the meaning of that section.

(3) In addition to their powers under section 9 of the Water Act, 1948, to pay subscriptions to associations of water undertakers, the Authority may pay reasonable subscriptions, whether annually or otherwise, to the funds of associations of local authorities, or to the funds of associations of officers of local authorities or water undertakers, being, in any such case, associations 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.

(4) The Authority 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 cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

(5) The Authority shall be deemed to be a body to which Part VI of the Local Government Act, 1948 (which relates to allowances to members of local authorities and other bodies) applies.

Power to  
certain water  
authorities  
to borrow.

74.—(1) Each of the water authorities, other than the electricity board or the companies, 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 the payment of any capital contribution under paragraph (a) of subsection (1) of section 62 (Payments of capital costs) of this Act for any of the purposes specified in the first column of the next following table, the sums equivalent to the percentage set opposite to their name in the fourth column of the statutory table of the amounts specified, in relation to the said purposes, in the second column of the next following table.



(2) The period from the date of borrowing for the repayment of a sum borrowed under paragraph (b) of subsection (1) of this section shall not exceed the period specified in relation to such purpose in the third column of the next following table.

PART V  
—cont.

(3) Subject to the provisions of this section, the provisions of Part IX of the Act of 1933; or—

(a) in the case of the Cheltenham and Gloucester Joint Water Board, the provisions of that Part as applied by the Cheltenham and Gloucester Joint Water Board &c. Act, 1936; or

(b) in the case of the East Shropshire Water Board, the provisions of that Part as applied by the East Shropshire Water Board Order, 1948; or

(c) in the case of the Montgomeryshire Water Board, the provisions of that Part as applied by the Montgomeryshire Water Board Order, 1960;

shall have effect as if money borrowed under this section were borrowed under that Part, and as if the next following table were substituted for the Eighth Schedule to that Act:—

(1) Purposes for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan calculated from the date or dates of borrowing
(a) The purchase of lands, minerals and rights for the works authorised by this Act	The sum required	Sixty years.
(b) The construction of the works authorised by this Act	£4,431,000	Sixty years.
(c) The payment of the sums payable by the Authority under section 90 (Costs of Act) of this Act	The sum required	Five years.

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section (other than the power of borrowing for purpose (c) mentioned in the foregoing table) except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

75. The payment of capital contributions under section 62 (Payments of capital costs) of this Act by any of the companies shall be purposes for which they may apply moneys raised by them by the issue of capital, or by borrowing on mortgage of their undertaking, or by the issue of debenture stock.

Application of capital moneys by companies.

## PART VI

## MISCELLANEOUS PROVISIONS

Power for  
Authority  
to apply for  
further  
powers, etc.

76.—(1) Subject to the provisions of this section, the Authority shall have power to promote or oppose any Bill in Parliament or any statutory order.

(2) The Authority may pay the costs and expenses of, and incidental to, the promotion of, or opposition to, any Bill in Parliament, as taxed by the taxing officer of the House of Lords or of the House of Commons, out of their revenues as part of their revenue expenditure.

(3) A resolution to promote or oppose a Bill, under the powers conferred by this section, shall not be effective unless passed by a majority of the whole number of the members of the Authority at a meeting thereof held after ten clear days' notice of the meeting, and of the purpose thereof, has been given by advertisement in one or more local newspapers circulating in the area comprising the limits within which each of the water authorities (other than the electricity board) are for the time being authorised to supply water, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the Authority.

(4) (a) In the case of the promotion of a Bill, the resolution shall be published in one or more local newspapers circulating in the area comprising the limits within which each of the water authorities (other than the electricity board) are for the time being authorised to supply water, and shall be submitted to the Minister for his approval and the Authority shall not proceed with the promotion of the Bill if the Minister notifies the Authority that he disapproves the resolution.

(b) The approval of the Minister shall not be given until the expiration of seven days after the publication of the resolution and, in the meantime, any local government elector within the said area may give notice to the Minister of his objection thereto.

(5) (a) In the case of the promotion of a Bill, a further meeting of the Authority shall be held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament, and, unless the propriety of the promotion is confirmed by a majority of the whole number of the members of the Authority at that meeting, the Authority shall take all necessary steps to withdraw the Bill.

(b) Not less than ten clear days before the date of a meeting to be held under this subsection, the like notice shall be given in relation thereto as is required to be given in relation to a meeting held under subsection (3) of this section.



77.—(1) In the construction of the works authorised by this Act the Authority shall have regard to the preservation for the public of the natural beauty of the area in which those works are situate and the enjoyment of the area by the public.

PART VI  
—cont.  
Preservation  
of amenities.

(2) For the purpose of securing the foregoing provisions of this section but without prejudice to the generality thereof, the Authority shall appoint a landscape consultant whom the Authority shall consult generally in connection with their duties under subsection (1) of this section and on questions affecting amenity in or in connection with or arising out of the carrying out or doing under the powers of this Act of any operations or things in connection with the works authorised by this Act including the following:—

- (a) the disposal of spoil or waste material;
- (b) the reinstatement or restoration of land;
- (c) the planting and felling of trees and the planting of bushes and other plants.

(3) For the purpose aforesaid the Authority shall in the case of Works Nos. 1 and 2—

(a) without prejudice to anything in the Act of 1962, consult with the local planning authority as to—

(i) the design and external appearance of any dam and the situation, design and external appearance of any building, bridge, wall, embankment (other than any embankment to be constructed in connection with any dam), road or fence to be constructed in connection with such works under this Act; and

(ii) the carrying out of quarrying operations or the manner and method of disposing of any spoil or waste material resulting from the carrying out of any operation in connection with such works under this Act;

(b) send to the local planning authority copies of any recommendations of the said landscape consultant made to them with regard to any of the matters referred to in paragraph (a) of this subsection and shall comply with such reasonable requirements as the local planning authority may make—

(i) for the purpose of rendering any such dam, building, bridge, wall, embankment, road, fence, spoil or waste material as inconspicuous as possible; or

(ii) with regard to the carrying out of quarrying operations or the disposal of any such spoil or waste material;

PART VI  
—cont.

including as respects any purpose mentioned in subparagraph (i) of this paragraph requirements as to the laying of turf, the sowing of grass seed and the planting of trees, bushes or plants:

Provided that before making any requirement with regard to the carrying out of quarrying operations or the disposal of spoil or waste material the local planning authority shall consult with the Minister of Agriculture, Fisheries and Food and shall not consent to or require the deposit of any spoil or waste material along or within one hundred feet of the bank of any watercourse other than a work authorised by this Act without first consulting with any river board in whose area such watercourse is situated.

(4) Within six months after the completion of any of the said works, or such longer period as the local planning authority may agree, the Authority shall remove or, to the reasonable satisfaction of the local planning authority, demolish or otherwise dispose of all temporary buildings and structures erected for the purposes of or in connection with the construction of such works which are not required for the purposes of or in connection with the construction of other such works and shall remove all surplus materials, plant, machinery and appliances provided or erected in connection therewith which are not so required and shall so far as is reasonably practicable to the like satisfaction restore and make good the surface of the ground on which any such temporary buildings and structures or any such surplus materials, plant, machinery and appliances as aforesaid have been placed.

(5) For the purposes of this section the expression “spoil and waste material” includes any rock, sand, mud and other materials dredged up or removed by the Authority under the powers of this Act.

(6) (a) If any question shall arise as to the reasonableness of any requirements which the local planning authority may make under subsection (3) of this section or as to whether the local planning authority have reasonably refrained from expressing satisfaction under subsection (4) thereof, the question shall be referred to and determined in the case of a question relating to the disposal of spoil or waste material, by the Minister of Agriculture, Fisheries and Food and in any other case by the Minister and if any such question relates to the deposit of spoil or waste material along or within one hundred feet from the bank of any watercourse other than a work authorised by this Act any river board in whose area such watercourse is situate may make representations to the Minister of Agriculture, Fisheries and Food with regard to



such deposit and shall be entitled to be heard by the Minister of Agriculture, Fisheries and Food at any inquiry with reference thereto.

PART VI  
—cont.

(b) A decision of the Minister of Agriculture, Fisheries and Food or of the Minister under this subsection shall be final.

78.—(1) The Authority may, upon any land held by them in the vicinity of the reservoir, provide, improve, alter, renew, maintain and manage car parks, shelters, cloakrooms and lavatories with all necessary buildings, conveniences and appurtenances, and all such other facilities as they think fit for the accommodation or convenience of persons visiting the reservoir. Provision of car parks, etc.

(2) The Authority may demand and take such reasonable charges as they think fit from any person using any facilities provided under this section.

(3) For the purpose of subsection (1) of this section, section 271 of the Public Health Act, 1936, shall apply as if references in that section to a council or to that Act included references to the Authority or to this section.

79.—(1) The Authority may provide facilities on the reservoir for the purposes of such forms of recreation except motor-boating and water ski-ing for the public as they may think fit, but shall have due regard to the preservation of the wholesomeness of water to be supplied by them under section 49 (Supply of water in bulk to Montgomeryshire Water Board) of this Act. Provision of facilities for recreation on reservoir.

(2) For the purposes aforesaid the Authority may set apart any land held by them and may provide, improve, alter, renew and maintain such buildings and other works and do such other things as may be necessary or expedient.

(3) The Authority may demand and take such reasonable charges as they think fit from any person using any facilities provided under this section or using the reservoir for the purposes of recreation but shall give special consideration to local inhabitants using the said facilities or reservoir.

(4) The Authority may either—

(a) themselves, manage any land set apart and any buildings and works provided under this section; or

(b) let them, or any part thereof, for such consideration and on such terms and conditions as they think fit.

(5) For the purposes of subsections (1) and (2) of this section, section 271 of the Public Health Act, 1936, shall apply as if references in that section to a council or to that Act included references to the Authority or to this section.

PART VI  
—cont.

(6) (a) The Authority may make byelaws with respect to the use of any facilities provided under this section, or the use of the reservoir for the purposes of recreation, for all or any of the following purposes:—

- (i) regulating sailing, boating, bathing and fishing on or in the reservoir, and other forms of recreation with respect to the reservoir;
- (ii) requiring the registration of boats kept for use, or used on the reservoir;
- (iii) preventing the passing into the waters of the reservoir of any sewage or other offensive or injurious matter, whether solid or fluid;
- (iv) requiring the provision of such sanitary appliances as may be necessary for the purpose of preventing pollution.

(b) Section 19 (other than paragraph (b) of subsection (6) thereof) and section 20 of the Act of 1945 shall apply to byelaws made under paragraph (a) of this subsection, and such byelaws shall, for the purposes of the said provisions of the Act of 1945, be deemed to be byelaws under section 17 of that Act.

(c) Nothing in this subsection shall prejudice or affect the right of the Authority to make byelaws under section 18 of the Act of 1945.

Evidence of appointments, authority, etc.

**80.**—(1) In proceedings under any enactment, a document purporting to be certified by the clerk as a copy of a resolution passed, order made, or report received, by the Authority or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Authority or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Authority on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the Authority or a committee thereof on that date.

(3) In this section “officer” includes a servant and an agent.

As to proof of continued existence of pensioners.

**81.** Notwithstanding anything in any enactment, the Authority shall not be required to make any payment by way of superannuation allowance, pension, compensation or other such payment under any statutory authority to, or for the benefit of, any person unless satisfactory proof is given to the Authority in such manner and at such times as they may from time to time require of the continued existence of such person.



82.—(1) Where a payment falls to be made by the Authority to any person by way of pay or pension or otherwise in connection with the service or employment of that or any other person, including any repayment, with or without interest, of superannuation contributions, and the Authority are satisfied, after considering medical evidence, that the person to whom it is payable (hereinafter called “the patient”) is incapable by reason of mental disorder of managing and administering his property and affairs, the Authority may, instead of paying the sum to the patient, apply it in accordance with subsection (2) of section 138 of the Mental Health Act, 1959; and that subsection shall accordingly apply to the Authority as it applies to the authority therein mentioned:

PART VI  
—cont.

Pay, pensions,  
etc., of  
mentally  
disordered  
persons.

Provided that the Authority shall not apply in accordance with the said subsection (2) more than one hundred pounds in any year in respect of the pay, pension or otherwise of any one person.

(2) Before exercising for the first time the powers conferred by the preceding subsection in respect of a payment falling to be made to any person, the Authority—

(a) shall give notice to the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, of their intention to do so, specifying the name and address of the patient and the amount and nature of the payments in respect of which they propose to exercise the said powers; and

(b) shall give such notice to the patient as the said authority may require.

(3) The notice referred to in the last preceding subsection shall be given not less than fourteen days before the payment, or such shorter period as the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, may allow.

(4) The authority having jurisdiction under the said Part VIII may at any time, by notice to the Authority prohibit the exercise by the Authority of the powers conferred by subsection (1) of this section in respect of payments falling to be made to any person; and on receipt of such a notice the Authority shall cease to exercise those powers in respect of that person until the notice is withdrawn.

83. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown.

84.—(1) Any electrical works or apparatus erected constructed laid down maintained or used under the powers of this Act (including any provision incorporated therewith) shall be so

For protection  
of Postmaster  
General.

PART VI  
—cont.

erected constructed or laid down 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.

(2) Where in pursuance of the powers conferred by section 34 (Power to construct works) section 35 (Power to Authority to stop up roads, bridleroads and footpaths) or section 36 (Power to divert bridleroads and footpaths) of this Act the whole or any portion of a road, bridleroad or footpath is stopped up or diverted the following provisions of this subsection shall unless otherwise agreed in writing between the Authority and the Postmaster General have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion ceases to be a road bridleroad or footpath (in this subsection referred to as “the affected line”), that is to say:—

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion of the road, bridleroad or footpath or portion of the road, bridleroad or footpath so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in the next following subsection unless before the expiration of that period the Postmaster General has given notice to the Authority of his intention to remove the affected line or that part thereof as the case may be:
- (b) The Postmaster General may by notice in that behalf to the Authority abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or give notice of his intention to remove it:
- (c) (i) The Postmaster General shall be entitled to recover from the Authority the reasonable expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may require:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act, 1950 (which



imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Authority under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or settled by arbitration under paragraph (c) of subsection (2) of section 84 (For protection of Postmaster General) of the Clywedog Reservoir Joint Authority Act 1963";

(ii) Any difference which may arise between the Authority and the Postmaster General under this paragraph shall be referred to and determined by a single arbitrator to be agreed upon between the parties or in default of agreement appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act, 1950, shall apply to any such arbitration:

(d) Where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Authority and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) As soon as practicable after the whole or any portion of a road, bridgeroad or footpath has been stopped up or diverted in pursuance of the powers referred to in subsection (2) of this section the Authority shall send by post to the Postmaster General a notice informing him of such stopping up or diversion.

(4) The exercise of the powers conferred by section 40 (Temporary stoppage of highways, etc.) of this Act in relation to any highway shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, in, upon, over, along or across that highway; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that highway.

PART VI  
—cont.

(5) (a) The Authority shall in constructing the Bwlch y gle Dam (Work No. 2) provide for the telegraphic lines of the Postmaster General accommodation in that dam for a pipe of two inch external diameter and any necessary jointing chambers.

(b) The said accommodation shall be provided in accordance with plans, sections and particulars to be previously submitted to and reasonably approved by the Postmaster General:

Provided that if within one month of the receipt of the said plans, sections and particulars the Postmaster General shall not have intimated to the Authority his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

(c) The additional cost (if any) reasonably incurred by the Authority in providing such accommodation shall be paid to the Authority by the Postmaster General in a single payment or in such other manner as may be agreed between the Authority and the Postmaster General.

(6) The Bwlch y gle Dam (Work No. 2) (in this subsection referred to as "the dam") shall be deemed to be a bridge for the purposes of section 6 of the Telegraph Act, 1878:

Provided that—

(a) in the exercise of his powers under the said section 6 the Postmaster General shall not place or alter any telegraphic line in the dam except in the accommodation provided by the Authority under subsection (5) of this section;

(b) the Postmaster General shall conform with the reasonable requirements of the Authority as to the time or times at which and the manner in which the Postmaster General exercises his powers in relation to the dam and the Authority shall be entitled to superintend any work carried out by the Postmaster General in the exercise of those powers in relation to the dam. The costs reasonably incurred by the Authority in such superintendence shall be repaid to them by the Postmaster General.

(7) Any question which may arise between the Postmaster General and the Authority under subsection (5) of this section or the proviso to subsection (6) thereof shall be determined in manner provided by the Telegraph Act, 1878.



**85.** The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

PART VI  
—cont.

Saving for town and country planning.

**86.** Except as otherwise expressly provided in this Act nothing in this Act shall prejudicially affect any existing rights of the water authorities to abstract water from any of the authorised sources.

Saving for rights of abstraction of water authorities.

**87.** The Authority and any of the constituent authorities may enter into and carry into effect agreements for the exercise by the constituent authority of any of the operations of the works of the Authority which can more conveniently be performed by the constituent authority.

Agreements with constituent authorities.

**88.** Except as otherwise expressly provided in this Act, any dispute or difference arising in connection with the provisions of this Act between the Authority and the constituent authorities, or any one or more of them, or between any one or more of the constituent authorities and any other or others of them shall, unless otherwise agreed between the parties to such dispute or difference, be referred to the Minister, and the Minister may determine the dispute or difference himself or, if he thinks fit, refer it for determination by an arbitrator appointed by him.

Settlement of disputes.

**89.—**(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

Local inquiries.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “ department ” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section “ Minister of the Crown ” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946.

**90.—**(1) The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act, or otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall, in the first instance, be paid by the Birmingham Corporation, but shall be repaid to them by the Authority within six months from the first meeting of the Authority.

Costs of Act.

PART VI  
—cont.

(2) The Authority shall pay to the Birmingham Corporation interest on the amount of the said costs, charges and expenses from the date of payment by the Birmingham Corporation until the date of payment by the Authority at the rate of interest from time to time fixed by the Treasury under the Public Works Loans Act, 1897, for loans to local authorities for the period of five years.

(3) Any question which may arise between the Authority and the Birmingham Corporation as to the amount payable under this section shall be determined by the Minister who may determine the matter himself or, if he thinks fit, may refer it for determination by an arbitrator to be appointed by him.



## SCHEDULES

## FIRST SCHEDULE

## Section 4

## THE STATUTORY TABLE

Water authorities  (1)	Rate below which maximum rate of abstraction from authorised sources is not to be reduced except as provided by paragraph (b) of subsection (1) of section 57 (Amendments to statutory table) of this Act  (2)	Maximum rate of abstraction from authorised sources  (3)	Percentage  (4)
	million gallons per day	million gallons per day	
The Birmingham Corporation	8.0	25.0	27.79
The Bristol Waterworks Company	Nil	25.0	9.82
The Cheltenham and Gloucester Joint Water Board	15.0	19.0	1.97
The Coventry Corporation ...	13.0	22.0	5.25
The East Shropshire Water Board	Nil	5.0	2.37
The East Worcestershire Waterworks Company	Nil	5.1	2.44
The electricity board ...	790.0	797.0	4.52
The Montgomeryshire Water Board	2.05	4.55	0.96
The Shrewsbury Corporation	6.25	8.5	0.38
The South Staffordshire Waterworks Company	8.0	25.0	28.88
The Wolverhampton Corporation	4.0	15.0	14.66
The Worcester Corporation ...	6.2	9.2	0.9

## Section 17.

## SECOND SCHEDULE

## RULES AS TO MEETINGS AND PROCEEDINGS OF AUTHORITY

1.—(1) The first meeting of the Authority shall be the annual meeting for the year current at the passing of this Act, and thereafter the first meeting after the first day of July in any year shall be the annual meeting.

(2) The Authority shall hold an annual meeting in every year after the thirty-first day of March, nineteen hundred and sixty-four.

2.—(1) The Authority shall, at their annual meeting in each year, elect one of their number to be chairman, and the chairman shall, unless he resigns his office, or ceases to be a member of the Authority, continue in office during the pleasure of the Authority, or until the next annual meeting.

(2) The Authority may, at their annual meeting in each year, elect one of their number to be vice-chairman, who shall, unless he resigns his office, or ceases to be a member of the Authority, continue in office during the pleasure of the Authority, or until immediately after the election of the chairman at the next annual meeting.

3.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Authority, the vacancy shall be filled by the election by the Authority of one of their number at a meeting held as soon as practicable after the vacancy occurs, and, where the office vacant is that of chairman, the meeting shall be convened by the clerk.

(2) The person elected under this rule to fill a casual vacancy shall hold office during the pleasure of the Authority, or until the date upon which the person in whose place he is elected would ordinarily have retired, and he shall then retire.

4.—(1) At a meeting of the Authority the chairman, if present, shall preside.

(2) If the chairman is absent from a meeting of the Authority, the vice-chairman, if present, shall preside.

(3) If both the chairman and vice-chairman of the Authority are absent, such member of the Authority as the members present shall choose shall preside.

5.—(1) The chairman of the Authority may call a meeting of the Authority at any time.

(2) If the chairman refuses to call a meeting of the Authority after a requisition for that purpose, signed by at least five members of the Authority, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any five members of the Authority may forthwith call a meeting of the Authority.



- (3) Three clear days at least before a meeting of the Authority—
- (a) notice of the time and place of the intended meeting shall be published at the offices of the Authority (or in the case of the first meeting of the Authority at the place fixed for that meeting) and, where the meeting is called by members of the Authority, the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
  - (b) a summons to attend the meeting specifying the business proposed to be transacted thereat, and signed by the clerk (or, in the case of the first meeting of the Authority, the town clerk), shall be left at, or sent by post to, the usual place of residence of every member of the Authority:

2ND SCH.  
—cont.

Provided that—

- (i) want of service of the summons on any member of the Authority shall not affect the validity of a meeting;
- (ii) no business shall be transacted at a meeting called by members of the Authority other than that specified in the notice thereof.

6. No business shall be transacted at a meeting of the Authority unless at least five members of the Authority, or their deputies, are present.

7. A copy of the minutes of proceedings at every meeting of the Authority shall be sent to the clerk or secretary (as the case may be) of each of the constituent authorities within one month after the date of the meeting.

8. The provisions of paragraphs 1 to 5 of Part V of the Third Schedule to the Act of 1933 shall apply to the Authority as if the Authority were a local authority and as if for references therein to the said Act there were substituted references to this Act.

## Section 20.

## THIRD SCHEDULE

## PROVISIONS OF THE THIRD SCHEDULE APPLIED TO THE UNDERTAKING

Provisions applied (1)	Modifications (2)
Section 1 (Definitions, &c.) .. ..	—
Section 2 (Permissible limits of deviation)	For the words “ plans submitted to the Minister ” there shall be substituted the words “ deposited plans ”; and for the words “ the said plans ” wherever they occur there shall be substituted the words “ the deposited sections.”
Section 3 (Limit on powers of undertakers to take water)	—
Section 4 (General power to construct subsidiary works)	—
Section 5 (Power of undertakers to lay or erect telephone wires, &c.)	In subsection (1) after the words “ part of their works ” there shall be inserted the words “ or between their offices or any part of their works and the offices or any part of the works of any of the constituent authorities (as defined in the special Act)”.
Section 6 (Penalty for obstructing construction of works)	—
Section 7 (Power to acquire easements for underground works)	—
Section 8 (Persons under disability may grant easements, &c.)	—
Part IV (Minerals Underlying Water Works)	In section 12, for the words “ after this section is incorporated with their enactments ” there shall be substituted the words “ under the special Act ”; for the words “ all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them ” there shall be substituted the words “ all such pipes or other conduits or underground works ”; and the words “ for the time being belonging to them ” shall be omitted.
Part VI (Breaking Open Streets, &c.)	As modified and adapted by section 5 of the Third Schedule.



Provision applied (1)	Modifications (2)
Section 67 (Penalty for interference with valves and apparatus)	The proviso shall be omitted.
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—
Section 86 (Continuing offences and penalties)	—
Section 87 (Restriction on right to prosecute)	—
Section 89 (Appeals and applications to courts of summary jurisdiction)	—
Section 90 (Appeals to quarter sessions against decisions of justices)	—
Section 91 (Mode of reference to arbitration)	—
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)	—

## Section 21.

## FOURTH SCHEDULE

## PROVISIONS OF ACT OF 1933 APPLIED TO THE AUTHORITY

Provisions applied	Subject-matter
Sections 58, 59, 63, 76, 95 and 96 ...	Members and meetings etc.
Sections 119 to 121 and 123 ...	Officers.
Section 125 ... ..	Offices.
Section 215 ... ..	Temporary loans, etc.
Section 266 ... ..	Contracts.
Section 267 ... ..	Conferences.
Sections 276 to 278 ...	Legal proceedings.
Sections 287 to 289 ... ..	Notices etc.

## Section 48.

## FIFTH SCHEDULE

## PRESCRIBED LEVEL

Date (1)	Depth below overflow cill of reservoir (2)
1st November ... ..	12 feet.
1st December ... ..	9 feet.
1st January ... ..	6 feet.
1st February ... ..	3 feet.
1st March ... ..	2 feet.
1st April ... ..	1 foot.
1st May ... ..	Nil.



## SIXTH SCHEDULE

Section 50.

## NEW ABSTRACTIONS OF WATER AUTHORISED BY THIS ACT

Water authorities (1)	Intakes or proposed intakes (2)	Maximum rates of new abstractions (3)
	PART I	million gallons per day
The Cheltenham and Gloucester Joint Water Board	An existing intake in the borough of Tewkesbury in the administrative county of Gloucester situate on the east bank of the river 214 yards south of the Mythe Bridge on the Ledbury to Tewkesbury Road (A.438) and a proposed intake in the said borough to be situate on the east bank of the river 247 yards south of the said bridge.	4.0
The Coventry Corporation	An existing intake in the parish of Ripple in the rural district of Upton-upon-Severn in the county of Worcester situate on the left bank of the river in the enclosure numbered 427 on the 1/2500 Ordnance map of Worcestershire sheet XLVII.12 (1928 Edition)	9.0
The electricity board	An existing intake in the rural district of Atcham in the administrative county of Salop on the south bank of the river 725 yards east of the bridge on the road between Buildwas and Much Wenlock (B.4378)	7.0
The Shrewsbury Corporation	An existing intake in the borough of Shrewsbury in the administrative county of Salop situate at Shelton Rough on the west bank of the river in the enclosure numbered 430 on the 1/2500 Ordnance map of Salop sheet XXXIV.5. (1927 Edition)	2.25
The Worcester Corporation	An existing intake in the City of Worcester situate on the east bank of the river 2,367 yards north of Worcester Bridge	3.0
	PART II	
The Birmingham Corporation	Such intake in the river as the Birmingham Corporation may lawfully construct in the rural district of Kidderminster in the	17.0

6TH SCH.  
—cont.

Water authorities (1)	Intakes or proposed intakes (2)	Maximum rates of new abstractions (3)
		million gallons per day
The Birmingham Corporation —(cont.)	administrative county of Worcester on the east bank of the river not less than 217 yards nor more than 3,200 yards (measured along the centre line of the river) upstream of the centre line of the bridge carrying the Elan Aqueduct of the Birmingham Corporation over the river	
The East Shropshire Water Board	Such intake in the river as the East Shropshire Water Board may lawfully construct in the parish of Buildwas in the rural district of Atcham in the administrative county of Salop on the north bank of the river 1,000 yards (measured along the centre line of the river) upstream of Bridge Farm	5.0
The East Worcestershire Waterworks Company	Such intake in the river as the East Worcestershire Waterworks Company may lawfully construct in the parish of Ombersley in the rural district of Droitwich in the administrative county of Worcester on the east bank of the river between Holt Fleet Bridge and a point two miles (measured along the centre line of the river) downstream of that bridge	5.1
The South Staffordshire Waterworks Company	Such intake in the river as the South Staffordshire Waterworks Company may lawfully construct in the rural district of Bridgnorth in the county of Salop at a point on the east bank of the river not less than 300 yards nor more than 1,000 yards (measured along the centre line of the river) upstream of the Hampton Loade ferry	17.0
The Wolverhampton Corporation	Such intake in the river as the South Staffordshire Waterworks Company may lawfully construct in the rural district of Bridgnorth in the county of Salop at a point on the east bank of the river not less than 300 yards nor more than 1,000 yards (measured along the centre line of the river) upstream of the Hampton Loade ferry	11.0



*Table of Statutes referred to in this Act*

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ..	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845	8 & 9 Vict. c. 20.
Lands Clauses Consolidation Acts Amend- ment Act, 1860	23 & 24 Vict. c. 106.
Public Health Act, 1875 .. .. .	38 & 39 Vict. c. 55.
Telegraph Act, 1878 .. .. .	41 & 42 Vict. c. 76.
Public Works Loans Act, 1897 .. .. .	60 & 61 Vict. c. 51.
Electric Lighting Act, 1909 .. .. .	9 Edw. 7 c. 34.
Land Drainage Act, 1930 .. .. .	20 & 21 Geo. 5 c. 44.
Local Government Act, 1933 .. .. .	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936 .. .. .	26 Geo. 5 & 1 Edw. 8 c. 49.
Cheltenham and Gloucester Joint Water Board &c. Act, 1936	26 Geo. 5 & 1 Edw. 8 c. cxxix.
Water Act, 1945 .. .. .	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act, 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Agriculture Act, 1947 .. .. .	10 & 11 Geo. 6 c. 48.
Electricity Act, 1947 .. .. .	10 & 11 Geo. 6 c. 54.
Water Act, 1948 .. .. .	11 & 12 Geo. 6 c. 22.
Local Government Act, 1948 .. .. .	11 & 12 Geo. 6 c. 26.
Companies Act, 1948 .. .. .	11 & 12 Geo. 6 c. 38.
Arbitration Act, 1950 .. .. .	14 Geo. 6 c. 27.
Public Utilities Street Works Act, 1950 ..	14 Geo. 6 c. 39.
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2 c. 25.
Electricity Act, 1957 .. .. .	5 & 6 Eliz. 2 c. 48.
Town and Country Planning Act, 1959 ..	7 & 8 Eliz. 2 c. 53.
Mental Health Act, 1959 .. .. .	7 & 8 Eliz. 2 c. 72.
Gloucester and Sharpness Canal (Water) Act, 1960	8 & 9 Eliz. 2 c. li.
Land Compensation Act, 1961 .. .. .	9 & 10 Eliz. 2 c. 33.
Rating and Valuation Act, 1961 .. .. .	9 & 10 Eliz. 2 c. 45.
Town and Country Planning Act, 1962 ..	10 & 11 Eliz. 2 c. 38.

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# Clywedog Reservoir Joint Authority Act 1963

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