



CHAPTER xlvii

An Act to authorise the South Staffordshire Waterworks Company to acquire lands; and for other purposes.
[1st August, 1962.]

WHEREAS—

(1) The South Staffordshire Waterworks Company (in this Act referred to as “the Company”) were incorporated by the South Staffordshire Waterworks Act, 1853, and by the South Staffordshire Water Acts and Orders, 1853 to 1961, were empowered to construct waterworks and to supply water within the limits thereby prescribed:

(2) It is expedient that the Company should be empowered to acquire lands and easements for the purpose of the construction of a service reservoir partly in the urban district of Coseley and partly in the urban district of Sedgley in the county of Stafford and for other purposes:

(3) It is expedient that the other provisions in this Act should be enacted:

(4) The objects of this Act cannot be effected without the authority of Parliament:

(5) A plan of the lands required or which may be taken for the purposes of or under the powers of this Act and a book of

reference to such plan containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands have been 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 of the administrative county of Stafford, which plan and book of reference are in this Act referred to respectively as the deposited plan and the deposited 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:—

Short and
collective
titles.

1.—(1) This Act may be cited as the South Staffordshire Water Act, 1962.

(2) The South Staffordshire Water Acts and Orders, 1853 to 1961, and this Act may be cited together as the South Staffordshire Water Acts and Orders, 1853 to 1962.

Incorporation
of Lands
Clauses Acts.

2. The Lands Clauses Acts except sections 127 to 133, 150 and 151 of the Lands Clauses Consolidation Act, 1845 (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act), are hereby incorporated with this Act:

Provided that 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.

Interpretation.

3.—(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.

(2) In this Act, unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“ the Company ” means the South Staffordshire Waterworks Company;

“ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Land Compensation Act, 1961, and by this Act;

“ tribunal ” means the Lands Tribunal;

“ undertaking ” means the undertaking of the Company as for the time being authorised.

(3) 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.

4.—(1) Subject to the provisions of this Act and subject to the Company being authorised by order under the Water Act, 1945, to construct on the lands hereinafter mentioned a service reservoir, the Company may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for the purpose of the said service reservoir or for the purposes of obtaining access thereto, obtaining materials for the construction thereof, or otherwise for the purposes of this Act. Power to acquire lands.

(2) The powers of the Company 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-two.

5.—(1) If the deposited plan 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 Company 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. Correction of errors in deposited plan and book of reference.

(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 in the Private Bill Office, House of Commons, and with the clerk of the county council of the administrative county of Stafford, and with every clerk of a local authority with whom a copy of the deposited plan, or 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 plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Company to take or use the land 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.

Power to expedite entry.

6. 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 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 Company 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:

Provided that the Company 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.

Power to enter for survey or valuation.

7.—(1) Any person acting on behalf of the Company 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 Company are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Company 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 Company 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 Company, the Company shall make good and restore the surface of the land.

8. In determining any question of disputed compensation or purchase money in respect of 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-one; 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.

9.—(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.

Extinction of private rights of way.

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

10.—(1) (a) Instead of acquiring any land which may be acquired under this Act, the Company may, for the purposes of constructing, using and maintaining so much of any works which the Company may be authorised to construct thereon as will be constructed underground, or for the purpose of obtaining access to any of the works so authorised, and doing anything necessary in connection therewith (including the accommodation of apparatus of other statutory undertakers), acquire such easements and rights in that land as they may require for those purposes.

Power to acquire easements only.

(b) For the purposes of this section, a work shall be deemed to be underground although apparatus or conveniences connected therewith are partly on the surface.

(2) Accordingly, the Company may give notice to treat in respect of any such easement or right, describing the nature thereof, and the provisions of the Lands Clauses Acts shall apply, in relation to the acquisition of such easements and rights, as if they were lands within the meaning of those Acts.

(3) Where the Company have acquired an easement or right only in any land under this section—

(a) they shall not be required, or (except by agreement or during the construction of any works) entitled, to fence off or sever that land from the adjoining land; and

(b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If, in his particulars of claim, the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Company to acquire the land, the Company shall not be entitled under this section to acquire the easement or right, unless the tribunal determines that the easement or right can be granted without material detriment to the land, or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house, and, if the tribunal does not so determine, the Company may acquire the land compulsorily notwithstanding the expiration of the period mentioned in subsection (2) of section 4 (Power to acquire lands) of this Act, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Costs of Act.

11. All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

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Table of Statutes referred to in this Act

| Short title | Session and chapter |
|--|---------------------------|
| Lands Clauses Consolidation Act, 1845 ... | 8 & 9 Vict. c. 18. |
| South Staffordshire Waterworks Act, 1853 ... | 16 & 17 Vict. c. cxxxiii. |
| Water Act, 1945 | 8 & 9 Geo. 6 c. 42 |
| Land Compensation Act, 1961 | 9 & 10 Eliz. 2 c. 33. |

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