

Gloucester and Sharpness Canal (Water) Act, 1960

8 & 9 ELIZ. 2 Ch. li

(Order of 1 + li reversed)

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CHAPTER li

An Act to confer further powers on the Bristol Waterworks Company and the British Transport Commission in relation to the supply of water from the Gloucester and Sharpness Canal and for other purposes.

[29th July 1960.]

WHEREAS the Bristol Waterworks Company (hereinafter referred to as "the Company") were first incorporated by the Bristol Waterworks Act 1846 and by virtue of the Bristol Waterworks Acts and Orders 1862 to 1960 the Company are authorised to supply water within the limits of supply therein defined:

And whereas with a view to ensuring to the Company a supply of water to meet the demands made upon them or likely to be made upon them by both industrial and domestic consumers within the said limits of supply it is expedient that the Company should be empowered to take water and to construct works as in this Act provided:

And whereas the British Transport Commission established by the Transport Act 1947 (hereinafter referred to as "the Commission") own and operate as part of their undertaking the Gloucester and Sharpness Canal in the county of Gloucester and it is expedient that the Commission should be empowered to enter into agreements with the Company for the giving by the Commission to the Company of a supply of water from the said canal:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas a plan and sections showing the situations lines and levels of the works by this Act authorised and the lands which may be taken and used compulsorily for the purposes thereof 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 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 county of Gloucester and are in this Act respectively referred to as the deposited plan and sections and the 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 Gloucester and Sharpness Canal (Water) Act 1960.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Water supply agreements.

Part V.—Miscellaneous.

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:—

(1) the Lands Clauses Acts (except sections 92 and 127 to 133 of the Lands Clauses Consolidation Act 1845 and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860):

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;

(2) sections 2 6 83 85 to 87 92 and 94 of the Third Schedule to the Water Act 1945:

Provided that section 2 of the said Third Schedule shall be read and have effect as if for the words “the plans submitted to the Minister” there were substituted the words “the deposited plan” and for the words “the said plans” there were substituted the words “the deposited sections”;

- (3) in construing the enactments so incorporated the expressions “the promoters of the undertaking” and “the undertakers” means the Company the expression “the authorised works” means the authorised works and the expression “the Special Act” means this Act.

4.—(1) In this Act the several words and expressions to which Interpretation.
meanings are assigned by the enactments 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 respectively assigned to them:—

“authorised works” means the works authorised by section 11 (Power to construct works) of this Act;

“the canal” means the Gloucester and Sharpness Canal;

“the Canal Acts” means the Gloucester and Berkeley Canal Act 1870 (including the provisions of former Acts set out in Schedule A to the said Act) the Gloucester and Berkeley Canal Act 1874 the Sharpness Docks and Gloucester and Birmingham Navigation Act 1935 and the Stroudwater Navigation Act 1954;

“the Commission” means the British Transport Commission;

“the Company” means the Bristol Waterworks Company;

“enactment” means any Act whether public general or local or any order made thereunder or any provision in any Act or in any such order;

“the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 the Lands Tribunal Act 1949 the Town and Country Planning Acts 1947 to 1959 and this Act;

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

(3) This Act is to be read as if the words “or thereabouts” were inserted after each distance mentioned in section 11 (Power to construct works) of this Act.

PART I
—cont.

(4) 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
LANDS

Lands.

5. Subject to the provisions of this Act the Company may enter upon take hold and use such of the lands in the parish of Hinton in the rural district of Thornbury in the county of Gloucester shown on the deposited plan and described in the deposited book of reference as may be required for the purposes of the authorised works.

Correction
of errors in
deposited
plan and
book of
reference.

6.—(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 ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the administrative county of Gloucester for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from a 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 a copy thereof in the Private Bill Office of the House of Commons and with the clerk of the county council of the administrative county of Gloucester the clerk of the Thornbury Rural District Council and the clerk of the Hinton Parish Council 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 the land and execute the works in accordance with the certificate.

(4) Any certificate deposited under this section shall be kept with the other documents to which it relates.

Period for
compulsory
purchase of
lands.

7. The powers of the Company for the compulsory purchase of lands for the purpose of this Act shall cease on the first day of October nineteen hundred and sixty-two.

Power to
expedite
entry.

8. At any time after serving a notice to treat in respect of any land that may be compulsorily acquired under this Act but not less than one month after giving 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 without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

PART II
—cont.

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

9. Any person acting on behalf of the Company and duly authorised in that behalf may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land: Power to enter for survey and valuation.

Provided that no land shall be entered under this section unless the Company not less than seven days before 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.

10.—(1) All private rights of way over any land that 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 Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

PART III

WORKS

11. Subject to the provisions of this Act the Company may construct and place on the lands to be acquired under section 5 (Lands) of this Act in the situations and lines within the limits of deviation and according to the levels shown on the deposited plan and sections the following works all in the parish of Hinton in the rural district of Thornbury in the county of Gloucester (that is to say):— Power to construct works.

Work No. 1 An intake on the south bank of the canal at a point 565 yards measured in a south-easterly direction along that bank of the canal from the south-west corner of the swing bridge near St. John's Church at Purton;

Work No. 2 A line or lines of pipes commencing at the intake (Work No. 1) and terminating at the intended treatment works (Work No. 3) at a point 100 yards measured in a south-westerly direction from the point of commencement;

PART III
—cont.

- Work No. 3 A treatment works;
- Work No. 4 An aqueduct or line or lines of pipes commencing at the intended treatment works (Work No. 3) and terminating at the intended pumping station (Work No. 5) at a point 25 yards measured in a southerly direction from the point of commencement;
- Work No. 5 A pumping station;
- Work No. 6 A line or lines of pipes commencing at the north bank of the canal at a point approximately opposite the northern end of the boundary between enclosures numbered 13 and 38 in the parish of Hinton on the 1/2500 ordnance map (Gloucestershire sheet XLVIII-1 edition of 1922) and terminating at a point 30 yards measured in a north-westerly direction from the point of commencement.

Period for completion of works.

12. If the authorised works are not completed on or before the first day of October nineteen hundred and sixty-five then as from that date the powers granted by this Act for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as have then been completed:

Provided that subject to the provisions of this Act the Company may extend enlarge alter reconstruct renew or remove any of the authorised works as and when occasion may require.

Works to form part of undertaking.

13. The authorised works shall for all purposes be deemed part of the undertaking.

Works below high-water mark to be subject to approval of Minister of Transport.

14.—(1) Subject to the provisions of this Act any work authorised by this Act shall be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides only in accordance with plans and sections approved by the Minister of Transport and subject to such conditions and restrictions as the Minister of Transport may prescribe before such work is begun.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister of Transport may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt.

PART IV

WATER SUPPLY AGREEMENTS

15.—(1) The Company and the Commission may enter into and carry into effect an agreement or agreements for the taking by the Company of a supply of water from the canal by means of the intake (Work No. 1) authorised by section 11 (Power to construct works) of this Act. Supply of water to Company from the canal.

(2) The quantity of water to be taken by the Company in pursuance of this section shall not exceed twenty-five million gallons in any one day of twenty-four hours reckoned from midnight.

(3) The Company may use the water taken by them in pursuance of this section for the general purposes of the undertaking.

(4) The purposes for which the Commission may take water into the canal under the powers conferred by the Canal Acts shall include the purpose of making available to the Company such water as may for the time being be taken by the Company in pursuance of any agreement entered into under this section.

(5) The powers of this section shall not be exercised so as to affect prejudicially the use of the canal for the purposes of navigation.

PART V

MISCELLANEOUS

16. The Company may discharge into the river Severn from Work No. 6 authorised by section 11 (Power to construct works) of this Act sludge collecting from time to time in Work No. 3 authorised by the said section 11: Discharge into river Severn.

Provided that nothing in this section shall—

(a) affect prejudicially the powers rights or duties of the Severn River Board under the Rivers (Prevention of Pollution) Act 1951 or any other enactment relating to the prevention of pollution and enforceable by the river board; or

(b) affect the law relating to nuisance.

17. The following provisions for the protection of the Severn River Board (hereafter in this section referred to as "the board") shall unless otherwise agreed in writing between the Commission and the board apply and have effect:— For protection of Severn River Board.

(1) Before giving a supply of water to the Company pursuant to an agreement made under section 15 (Supply of water to Company from the canal) of this Act the Commission

PART V
—cont.

shall at their own expense and to the reasonable satisfaction of the engineer to the board carry out such works at the weir at Whitminster as may be necessary to enable them to comply with the provisions of paragraph (2) of this section and shall maintain the said works during such time as they are giving a supply of water to the Company pursuant to any such agreement:

- (2) Notwithstanding the powers of the Commission to take water from the river Frome into the canal conferred by the Canal Acts and this Act the Commission shall not during such time as they are supplying water to the Company from the canal pursuant to an agreement made under the said section 15 take water into the canal from the river Frome so as to reduce the flow in that river west of Whitminster weir below five cusecs.

Crown
rights.

18. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing shall authorise the Company to take use or in any manner interfere with any lands belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of such Commissioners on behalf of Her Majesty first had and obtained for that purpose.

Saving for
town and
country
planning.

19. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

20. All the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall unless otherwise agreed be paid by the Company and the Commission in equal shares and may in whole or in part be defrayed out of revenue.

 

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ..	7 & 8 Vict. c. 18.
Bristol Waterworks Act 1846	9 & 10 Vict. c. ccxxii.
Lands Clauses Consolidation Acts Amendment Act 1860	23 & 24 Vict. c. 106.
Gloucester and Berkeley Canal Act 1870 ..	33 & 34 Vict. c. lxi.
Gloucester and Berkeley Canal Act 1874 ..	37 & 38 Vict. c. clxxxi.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Sharpness Docks and Gloucester and Birmingham Navigation Act 1935	25 & 26 Geo. 5 c. xxvi.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Transport Act 1947	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
Rivers (Prevention of Pollution) Act 1951 ..	14 & 15 Geo. 6 c. 64.
Stroudwater Navigation Act 1954	2 & 3 Eliz. 2 c. 1.

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