



CHAPTER vii.

An Act to confer further powers on the Mid Southern Utility Company with respect to their water undertaking and for other purposes. [10th December 1945.]

WHEREAS the Mid Southern Utility Company (in this Act referred to as "the Company") were incorporated by the Aldershot Gas and Water Act 1866 and by that Act and subsequent enactments are empowered to supply electricity gas and water within certain limits in the counties of Berks Southampton Surrey and West Sussex mentioned therein: 29 & 30 Vict. c. cciii.

And whereas by an order made by the Minister of Health under the Defence (General) Regulations 1939 made in pursuance of the Emergency Powers (Defence) Act 1939 the Company were authorised to abstract water for the purposes of their public water supply by means of the borehole and works recently constructed by the Company on land belonging to them at Boxalls Lane in the borough of Aldershot in the county of Southampton: 2 & 3 Geo. 6. c. 62.

And whereas it will be necessary for the Company to continue to use for the purposes of their undertaking the said works (which have either been already completed or are in process of construction) after the termination of the period of emergency which was the occasion of the passing of the said Act of 1939 and it is accordingly expedient that the construction of the said works should be sanctioned and confirmed and that the Company should be authorised to maintain and use the same:

And whereas it is expedient that the Company should be empowered to make and maintain the waterworks in this Act described:

And whereas it is expedient that further powers should be conferred upon the Company with respect to the other matters in this Act contained:

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

And whereas a plan and sections of the works authorised by this Act showing the lines and levels thereof and a book of reference to the plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands to be used for the purposes of this Act were duly deposited with the clerk of the county council of Southampton and that plan sections and book of reference are in this Act respectively referred to as the deposited plan sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 title,

1. This Act may be cited as the Mid Southern Utility Act 1945.

Incorporation of Acts.

2. The following enactments so far as the same are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (namely):—

10 & 11 Vict.
c. 17.

(a) The Waterworks Clauses Act 1847 except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 and except sections 76 to 79; and

26 & 27 Vict.
c. 93.

(b) The Waterworks Clauses Act 1863.

Interpretation.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And—

"The Company" means the Mid Southern Utility Company;

9 Edw. 7. c. lv.

"The Act of 1909" means the Aldershot Gas Water and District Lighting Act 1909;

"The new works" means the works referred to in section 5 (Power to construct waterworks) of this Act;

"The water undertaking" means the water undertaking of the Company as from time to time authorised.

Confirmation of construction of waterwork.

4.—(1) The construction by the Company of the following work in the county of Southampton together with all buildings plant machinery and apparatus incidental and ancillary

thereto is hereby sanctioned and confirmed and the Company may continue maintain alter improve extend and renew the same.

The said work is—

In the borough of Aldershot—

A borehole (known as borehole No. 15) at the Boxalls Lane waterworks of the Company situate in the enclosures numbered on the 1/2500 Ordnance map (Hampshire sheet XXI.13 second edition of 1933) 316 317 333 and 334 in the parish of Aldershot.

(2) The provisions of section 37 (Limits of deviation) of the Act of 1909 with respect to vertical deviation downward shall be deemed not to have applied to any well or borehole constructed under the powers of section 36 (Additional waterworks) of that Act.

5.—(1) The Company may upon the lands delineated on the deposited plan make and maintain such wells and boreholes as they may require at the Boxalls Lane waterworks of the Company situate in the borough of Aldershot in the county of Southampton in the enclosures numbered on the 1/2500 Ordnance map (Hampshire sheet XXI.13 second edition of 1933) 316 317 333 and 334 in the parish of Aldershot. Power to construct waterworks.

(2) In addition to the foregoing works the Company may in under or upon the lands delineated on the deposited plan make and maintain all such shafts headings adits conduits pipes washouts overflows waste-water channels gauges filters works for the treatment of water buildings machinery works and apparatus as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or the water undertaking or necessary or expedient for augmenting or improving the supply of water but nothing in this subsection shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

6. In the construction of the new works the Company may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plan and they may also deviate vertically from the levels shown on the deposited sections to any extent. Power to deviate.

7. Subject to the provisions of this Act the Company may pump collect impound take use divert and appropriate for the purposes of the water undertaking all underground waters which will or may be taken or intercepted by means of the new works and the work referred to in Section 4 (Confirmation of construction of waterwork) of this Act. Power to take waters.

Works to form part of undertaking.

8. Subject to the provisions of this Act the new works and the work referred to in section 4 (Confirmation of construction of waterwork) of this Act shall for all purposes form part of and be comprised in the water undertaking.

Limiting powers of Company to abstract water.

9.—(1) The Company shall not for the purposes of or in connection with the water undertaking construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this Act or some other enactment.

(2) Section 83 (Limiting powers of Company to abstract water) of the Act of 1909 is hereby repealed.

Application of section 38 of Act of 1909.

10. Section 38 (Temporary discharge of water into streams) of the Act of 1909 shall extend and apply to and for the purposes of this Act as if that section were with any necessary modifications re-enacted in this Act.

For protection of Postmaster-General.
41 & 42 Vict.
c. 76.

11. Any electrical works and apparatus constructed or maintained under the provisions of this Act shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Saving for town and country planning.
22 & 23 Geo. 5.
c. 48.
6 & 7 Geo. 6.
c. 29.
7 & 8 Geo. 6.
c. 47.

12. For the purposes so far as applicable of the provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order scheme or regulation made under those Acts or any enactment repealed by those Acts and for the time being in force this Act shall be deemed to have become law before the commencement of the said Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944.

Saving for Water Act 1945.
8 & 9 Geo. 6. c. 42.

13. This Act shall be deemed to have become law before the coming into operation of the Water Act 1945.

Costs of Act.

14. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company out of revenue.

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