

1979 No. 1498

**WATER, ENGLAND AND WALES**

**The Welsh Water Authority  
(Dolbenmaen Works) Order 1979**

*Made - - - - 24th October 1979*

*Coming into Operation 2nd November 1979*

The Secretary of State for Wales, in exercise of powers conferred by section 23 of the Water Act 1945(a), as extended by section 3 of the Water Act 1948(b), and now vested in him (c), and of all other powers enabling him in that behalf, hereby orders as follows:—

1. This order may be cited as the Welsh Water Authority (Dolbenmaen Works) Order 1979. Citation.

2.—(1) In this order, unless the context otherwise requires—

“the Authority” means the Welsh Water Authority;

“the deposited plan” means the plan prepared in duplicate, signed by an Under Secretary in the Welsh Office and marked “Plan referred to in the Welsh Water Authority (Dolbenmaen Works) Order 1979”, of which one duplicate is deposited and available for inspection at the offices of the Director of Administration of the Authority and the other at the offices of the Secretary of State for Wales;

“the undertaking” means the water undertaking of the Authority as from time to time authorised by any enactment.

Interpreta-  
tion.

(2) Any reference in this order to a work identified by the number of the work shall be construed as a reference to the work of that number authorised by this order.

(3) References in this order to reference points shall be construed as references to the National Grid reference points.

(4) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as applied, extended or amended by, or by virtue of, any subsequent enactment, including this order.

3.—(1) For the purposes of this order the provisions of the Third Schedule to the Water Act 1945 which are set out in column (1) of Schedule 1 to this order shall, subject to the modifications set out in column (2) thereof, apply to the undertaking and are hereby incorporated with this order.

Application  
and incor-  
poration of  
enactments.

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(a) 1945 c. 42.

(b) 1948 c. 22.

(c) S.I. 1965/319.

(2) Sections 30 to 44 inclusive of the Railways Clauses Consolidation Act 1845(a) (which relate to the temporary occupation of lands near the railway during the construction thereof) are hereby incorporated with this order and, as so incorporated, shall have effect as if for the words "the period by the special Act limited for the completion of the railway" there were substituted the words "the period of two years from the commencement of the construction of any of the works authorised by the special Act" and the following expressions had the meanings hereby assigned to them:—

"the Company" means the Authority;

"the railway" means the works authorised by this order and "the centre of the railway" means the centre of any such works; and

"the special Act" means this order.

(3) In its application to this Order, Part I of the Compulsory Purchase Act 1965(b) shall have effect subject to the following exceptions and modifications:—

(a) at the end of section 4 there shall be added the following proviso:

"Provided that such powers shall in relation to any of the land be deemed to have been exercised if before the expiration of the said three years notice to treat has been served in respect of that land";

(b) in section 11(2), at the end of the first paragraph thereof, there shall be inserted the words "(other than paragraph 3(3) thereof)";

(c) in section 11(3) for the words "not less than three nor more than fourteen days' notice" there shall be substituted the words "not less than seven days' notice in the case of the first entry and not less than twenty-four hours' notice in the case of a subsequent entry"; and

(d) section 27 shall be omitted.

Purchase  
of land.

4.—(1) The Authority may purchase compulsorily for the purpose of the works authorised by this order, including the purposes of obtaining access thereto, all or any of the lands described in Schedule 2 to this order.

(2) Notwithstanding the provisions of paragraph (1) of this article, the Authority shall not so purchase any of the lands so described which are required only for the purpose of the construction and maintenance of the access road (Work No. 2) or the pipelines (Works Nos. 3 and 6) if the owner of that land is able and willing to grant or sell to the Authority (at a price to be agreed or, failing agreement, to be determined in accordance with the provisions of the Land Compensation Act 1961(c)) such easements or rights over and in that land as the Authority may require for any one or more of those purposes.

Power to  
construct  
works.

5. Subject to the provisions of this order, the Authority may construct and maintain the following works in the Community of Dolbenmaen, in the District of Dwyfor, in the County of Gwynedd:—

Work No. 1—An intake in the Afon Dwyfor at reference point SH 508430;

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(a) 1845 c. 20.

(b) 1965 c. 56.

(c) 1961 c. 33.

Work No. 2—An access road commencing by a junction with the Dolbenmaen to Llanfihangel-y-Pennant road at reference point SH 507431 and terminating at the intake (Work No. 1) at reference point SH 507430;

Work No. 3—A pipeline commencing at the said intake (Work No. 1) and terminating at the treatment works and pumping station (Work No. 4);

Work No. 4—A treatment works and pumping station (to be known as “the Dolbenmaen Treatment Works”) in the enclosure numbered 2588 in the said community on the 1/2500 Ordnance Map Sheet of Caernarfonshire Sheet XXXIV.1 (1915 edition);

Work No. 5—An access road commencing by a junction with the A487(T) road from Pen-y-Groes to Tremadoc at reference point SH 498432 and terminating in the treatment works and pumping station (Work No. 4) at reference point SH 498430;

Work No. 6—A pipeline commencing at the treatment works and pumping station (Work No. 4) and terminating at the existing sewage works of the Authority at reference point SH 496429.

6. The works authorised by this order shall for all purposes form part of the undertaking.

Works to form part of undertaking.

7.—(1) The Authority, during and for the purposes of the construction of any of the works authorised by this order, may temporarily stop up, alter, divert or otherwise interfere with any drain or any private right of way, and in the case of any right of way, may for any reasonable time prevent all persons, other than those bona fide going to or from any land, house or building abutting on the right of way, from passing along and using the same.

Temporary stoppage of drains and rights of way.

(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 powers of paragraph (1) of this article shall not be exercised in relation to any drain without providing a proper substitute before interrupting the passage of water in or through such drain, and the Authority shall make compensation for any damage caused to any person by the exercise of such powers in relation to any drain, the amount of such compensation being, in case of dispute, determined by arbitration.

## SCHEDULE 1

### PROVISIONS OF THE THIRD SCHEDULE TO THE WATER ACT 1945 APPLIED FOR THE PURPOSES OF THIS ORDER

Provisions applied (1)	Modifications (2)
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the plan referred to in the special Act"; for the words "the said plans" there shall be substituted the words "the said plan".
Section 4 (General Power to construct subsidiary works)	The words from "and to any other" to "abstract water" shall be omitted; for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the lands delineated on the plan referred to in the special Act"; for the word "thereof" there shall be substituted the words "of those works"; and after the word "buildings" there shall be inserted the words "roads, means of access, cables, embankments, headings, bridges, cofferdams,".
Section 5 (Power of undertakers to lay or erect telephone wires, etc.)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 7 (Power to acquire easements for underground works)	After the words "underground works" in subsection (1) there shall be inserted the words "or of providing means of access" and after that subsection there shall be inserted the following subsection:— <p style="margin-left: 40px;">“(1A) 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.”</p>
Section 8 (Persons under disability may grant easements, etc.)	—

Provisions applied (1)	Modifications (2)
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.
Section 82 (Power to enter premises)	—
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 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).	In subsection (1) for the words from "the Council of every County" to the end of the subsection there shall be substituted the words "the Gwynedd County Council".

Signed by authority of  
the Secretary of State.  
24th October 1979.

*P. J. Hosegood,*  
An Under Secretary in the Welsh Office.

**SCHEDULE 2**

**Article 4(1)**

**DESCRIPTION OF LANDS**

Lands in the Community of Dolbenmaen, in the District of Dwyfor, in the County of Gwynedd, comprising 5.46 hectares or thereabouts forming part of the enclosures numbered 2576, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2604 and 2656a, in the said community on the 1/2500 ordnance map of Caernarfonshire Sheet XXXIV.1 (edition of 1915) being the lands within the limits of land to be acquired shown on the deposited plan.