

SCHEDULES

SCHEDULE 26

TRANSITIONAL PROVISIONS AND SAVINGS

PART VII

COMPULSORY PURCHASE AND WORKS POWERS

Compulsory purchase orders and works orders

- 41 (1) Where—
- (a) any compulsory purchase order made by virtue of any enactment repealed by this Act;
 - (b) any order made under section 23 of the 1945 Act, section 67 of the Water Resources Act 1963 or section 1 of the Water Resources Act 1971 (compulsory works orders etc.); or
 - (c) any resolution for extinguishing a right of way under section 9 of Schedule 3 to the 1945 Act,
- is in force or effective immediately before the transfer date, then, notwithstanding any repeal made by this Act, that order or resolution, and any enactment repealed by this Act in so far as it relates to that order or resolution, shall continue to have effect on and after that date, as they had effect before that date, subject to such modifications as are necessary for the purposes of sub-paragraph (4) below.
- (2) Any application for an order under the said section 23, section 67 or section 1 which is pending immediately before the transfer date shall have effect on and after that date, subject to any such modifications, as an application for an order under section 155 of this Act.
 - (3) Any notice served or published or other thing done before the transfer date for the purposes of any enactment repealed by this Act, so far as it related to any such application as is mentioned in sub-paragraph (2) above, shall, accordingly, have effect on and after that date as if served, published or done for the purposes of the corresponding enactment contained in this Act.
 - (4) In so far as the provisions of a scheme under Schedule 2 to this Act allocate a water authority's rights or liabilities in relation to any order or application saved by sub-paragraph (1) or (2) above to any person, that person shall, on and after the transfer date, stand in the place of that water authority for the purposes of the provision made by that sub-paragraph.
 - (5) On and after the transfer date, any obligation of a water authority by virtue of section 20(5) of the 1973 Act (obligation to provide recreational facilities etc.) which, in accordance with this paragraph and a scheme under Schedule 2 to this Act,

Status: This is the original version (as it was originally enacted).

becomes an obligation of a water undertaker shall be enforceable under section 20 of this Act by the Secretary of State.

Notices, consents and arbitrations for the purposes of works

- 42 Where before the transfer date any water authority was proposing to carry out, or was carrying out, any works and the Authority or any water undertaker or sewerage undertaker proposes to carry out or to continue to carry out those works on or after that date—
- (a) any notice of an intention to carry out the works which had been served on any person before that date and any other notice served in connection with the carrying out of those works on the person proposing to carry out the works or on any other person;
 - (b) any consent given before that date for the purposes of those works; and
 - (c) any determination made before that date by any arbitration in relation to those works and any step taken for the purposes of any such arbitration,
- shall have effect on and after that date as if it had been served, given, made or taken for the purposes of the carrying out of those works by the Authority or, as the case may be, that undertaker in accordance with any power conferred by this Act and, in the case of a notice served by or on a water authority, as if it had been served by or on the Authority or, as the case may be, that undertaker.

Section 34 of the 1945 Act

- 43 (1) Nothing in paragraph 9 of Schedule 19 to this Act shall require any consent to be obtained, or any notice to be served, in respect of any discharge on or after the transfer date if the requirements of section 34 of the 1945 Act (temporary discharges into watercourses) in relation to that discharge had been satisfied before that date.
- (2) Where any register has been kept by a water authority under the said section 34 of the 1945 Act, any name and address which immediately before the transfer date is entered in that register in respect of any premises abutting on a watercourse shall be deemed on and after that date to be entered in any register which is required under paragraph 9 of Schedule 19 to this Act to be kept by the Authority or by any water undertaker—
- (a) whose area includes the whole or any part of that watercourse; or
 - (b) whose pipes and other works include a pipe, reservoir, well, borehole or other work which is within three miles of that watercourse.

Authority under section 8 of the Water Act 1948

- 44 (1) Subject to sub-paragraph (2) below, any authority in force and effective immediately before the transfer date under section 8 of the Water Act 1948 (power to survey and to search for water on land proposed to be purchased) and any notice given for the purposes of that section shall have effect on and after that date as an authorisation or notice given for the purposes of section 156 of this Act.
- (2) In so far as the provisions of a scheme under Schedule 2 to this Act allocate to any person a water authority's rights and liabilities in relation to any authority given under the said section 8, that person shall, on and after the transfer date, stand in the place of that water authority for the purposes of any authority having effect by virtue of sub-paragraph (1) above.

Mines etc.

- 45 (1) Any notice given in relation to any mines or minerals for the purposes of any provision of Part IV of Schedule 3 to the 1945 Act which is effective immediately before the transfer date shall have effect on and after that date as if given for the purposes of any corresponding provision of Schedule 21 to this Act to the relevant body under part of whose undertaking those mines or minerals are situated.
- (2) Where before the transfer date any water authority or statutory water company have for the purposes of section 14(2) of Schedule 3 to the 1945 Act stated their willingness to treat with any person for the payment of compensation, that person shall be deemed on and after that date to have been served with a notice in accordance with paragraph 2(3)(c) of Schedule 21 to this Act for the purposes of the application of that Schedule in relation to any notice having effect in accordance with subparagraph (1) above.
- (3) In this paragraph “relevant body” and “undertaking” have the same meanings as in the said Schedule 21.

The Public Health Act 1875 (Support of Sewers) Amendment Act 1883 (c. 37)

- 46 (1) The repeal by this Act of Part IV of Schedule 3 to the 1945 Act (minerals underlying waterworks) shall not affect the operation of that Part, as incorporated, by virtue of the Public Health Act 1875 (Support of Sewers) Amendment Act 1883, in any enactment or order making provision in relation to any sanitary work of a local authority.
- (2) In this paragraph “local authority” and “sanitary work” have the same meanings as in the said Act of 1883.

Maps of sewers etc.

- 47 Where immediately before the transfer date a local authority keep a map deposited at their offices under section 32 of the Public Health Act 1936 (sewer maps), it shall be the duty of that authority—
- (a) to provide a copy of that map to every sewerage undertaker which is required, by virtue of the coming into force on that date of an appointment under Chapter I of Part II of this Act, to include information shown on the map in records to be kept by that undertaker under section 166 of this Act; and
- (b) themselves to keep a copy of that map until they have performed the duty imposed by paragraph (a) above.