



# Mid-Glamorgan Water Act 1968

CHAPTER xxxi

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Interpretation.
4. Application of enactments.

### PART II

#### WORKS

5. Power to construct works.
6. Construction and maintenance of fish pass.
7. Works to form part of undertaking.

## Section

8. Diversion of road and stopping up of footpaths.
9. Temporary stoppage of highways, etc.
10. Power to take water.
11. Provisions applicable to foregoing section.
12. Power to divert streams, etc.
13. Application of section 145 of Local Government Act 1933.
14. Accommodation for workmen employed on construction of works.
15. Application of Water Resources Act 1963.
16. For protection of Glamorgan River Authority.
17. For protection of Glamorgan County Council.
18. For protection of Postmaster General.
19. For protection of gas, electricity and sewerage apparatus.
20. For protection of British Railways Board.

## PART III

## LANDS

21. Power to acquire lands.
22. Correction of errors in deposited plans and book of reference.
23. Disregard of recent improvements and interests.
24. Extinction of private rights of way.
25. Power to acquire easements only.
26. Provision of substituted sites.
27. Agreements with adjoining owners.
28. Power to reinstate occupiers of property.

## PART IV

## FINANCE AND MISCELLANEOUS

29. Power to borrow.
30. Preservation of amenities.
31. Modification of section 82 of Third Schedule to Water Act, 1945.
32. Power to require information as to ownership of land.
33. Saving for town and country planning.
34. Costs of Act.

SCHEDULE—Provisions of Third Schedule to Water Act 1945 applied.

**ELIZABETH II**



**1968 CHAPTER xxxi**

An Act to authorise the Mid-Glamorgan Water Board to construct works and to acquire lands; and for other purposes. [26th July 1968]

**WHEREAS—**

(1) By the Mid-Glamorgan Water Acts and Orders 1920 to 1967 the Mid-Glamorgan Water Board (in this Act referred to as "the Board") are the authorised undertakers for the supply of water in an area in the county of Glamorgan:

(2) The demand for water within the Board's limits of supply has increased, is increasing and is likely further to increase and in order that the Board should be able to meet this demand, particularly the demand for water for use for new industries being established in their area, it is necessary to augment the resources available to the Board:



(3) Having regard to the places where water is so required for supply the most suitable scheme for the augmentation of the resources of the Board is a scheme for the abstraction of water from the river Ogmore and the construction of a pumped storage reservoir in connection therewith:

(4) Consultation has taken place with the Glamorgan River Authority before the said scheme was formulated:

1919 c. lxx.

(5) The only site suitable for the said pumped storage reservoir required for the said scheme is a site which includes lands forming part of a common regulated by the Commons Regulation (Coity Wallia) Provisional Order Confirmation Act 1919 and it is necessary for the Board to obtain the authority of Parliament for the acquisition of lands required for the said reservoir:

(6) It is expedient to confer powers on the Board for the acquisition of lands and the construction of works as provided in this Act and to enact the other provisions contained in this Act:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

(8) Estimates have been prepared for the purpose hereinafter mentioned and such estimates are as follows:—

The construction of the works authorised by									
this Act	...	...	...	...	...	...	...	...	£1,410,550

(9) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a number of years:

(10) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, were 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 Glamorgan County Council, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, sections and 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

1.—(1) This Act may be cited as the Mid-Glamorgan Water Act 1968. Short and collective titles.

(2) The Mid-Glamorgan Water Acts and Orders 1920 to 1967 and this Act may be cited together as the Mid-Glamorgan Water Acts and Orders 1920 to 1968.

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

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Finance and miscellaneous.

3.—(1) In this Act, unless the context otherwise requires, Interpretation expressions to which meanings are assigned by the enactments wholly or partly incorporated herewith have the same respective meanings; and—

“ Board ” means the Mid-Glamorgan Water Board;

“ county council ” means the county council of the administrative county of Glamorgan;

“ river authority ” means the Glamorgan River Authority;

“ Third Schedule ” means the Third Schedule to the Water Act 1945 c. 42

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

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

(3) References in this Act to a line or lines of pipes shall include reference to any electrical control cable provided in connection therewith.

(4) Unless 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.



PART I  
—cont.Application  
of enactments.  
1965 c. 56.

1946 c. 49.

1845 c. 18.

1845 c. 20.

4.—(1) Subject to the provisions of this Act, Part I of the Compulsory Purchase Act 1965 (except section 4, section 21 (2), section 24 (5), section 27 and paragraph 3 (3) of Schedule 3 thereof), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

(2) In section 11 (1) of the Compulsory Purchase Act 1965 (which empowers the acquiring authority to enter on and take possession of land after giving not less than fourteen days' notice) as so applied, for the words "fourteen days" there shall be substituted the words "three months".

(3) The Lands Clauses Consolidation Act 1845 shall not apply to the acquisition of land under this Act.

(4) (a) Section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this Act, subject to the provisions of paragraph (b) of this subsection and to the modification that for the words "the period by the special Act limited for the completion of the railway" there shall be substituted the words "the period of three years from the commencement of the construction of any of the works authorised by the special Act".

(b) In the construction of the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act "the company" shall mean the Board, "the railway" shall mean the works authorised by this Act, and "the centre of the railway" shall mean the centre of any such works respectively or, in the case of the reservoir so authorised, the top water level of that reservoir.

(5) For the purposes of this Act, the provisions of the Third Schedule specified in column (1) of the Schedule to this Act shall, subject to the modifications specified in column (2) thereof, apply to the undertaking and, subject as aforesaid, are hereby incorporated with this Act.

PART II  
WORKSPower to  
construct  
works.

5.—(1) Subject to the provisions of this Act, the Board may construct in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, and upon the lands

delineated on those plans, the following works in the rural district of Penybont in the county of Glamorgan:—

PART II  
—cont.

In the parishes of Newcastle Higher and St. Bride's Minor—

Work No. 1 A weir across the river Ogmore at a point 70 yards or thereabouts upstream from the bridge over the river at Glan-rhyd known as the Stone Bridge;

Work No. 2 An intake and pumping station, the said intake being situated in the left bank of the river Ogmore at a point 40 yards or thereabouts upstream from the weir (Work No. 1) and the said intake and pumping station being situated in the enclosures numbered 200 and 200a in the parish of Newcastle Higher and in the enclosures numbered 511, 512, 516 and 517 in the parish of St. Bride's Minor on the 1/2500 ordnance map of Glamorgan, sheet XXXIV-15 (revision of 1942).

In the parishes of St. Bride's Minor and Coity Higher—

Work No. 3 A line or lines of pipes commencing at the pumping station (part of Work No. 2) and terminating at the south side of the reservoir (Work No. 4);

Work No. 4 A reservoir (to be called "the Cefn Hirgoed Storage Reservoir") to be formed by means of an embankment or dam at Cefn Hirgoed, part of Coity Wallia Commons;

Work No. 5 A diversion of the road known as Spencer Road leading from Pen-yr-heol to Bryncethin;

Work No. 6 Treatment works and a pumping station situated in the enclosures numbered 349, 539, 540, 570 and 571 in the parish of St. Bride's Minor on the said ordnance map, sheet XXXIV-16 (revision of 1941);

Work No. 7 A line or lines of pipes commencing at the pumping station (part of Work No. 6) and terminating by a junction with an existing pipeline of the Board at a point 30 yards or thereabouts eastwards from the eastern end of the reservoir (Work No. 4);

Work No. 8 A line or lines of pipes commencing by a junction with the line or lines of pipes (Work No. 7) at a point 25 yards or thereabouts eastwards from the pumping station (part of Work No. 6) and terminating by a junction with an existing pipeline of the Board at a point 200 yards or thereabouts southwards from the building known as Gwaungwaddod;



PART II  
--cont.

Work No. 9 A line or lines of pipes commencing at the pumping station (part of Work No. 6) and terminating by a junction at a point 130 yards or thereabouts westwards from the western end of the reservoir (Work No. 4) with a pipeline to be constructed by the Board;

Work No. 10 An access road commencing by a junction with the road leading from Bridgend to Bryncethin (A4061) at a point immediately to the south of the road access to the said building known as Gwaungwaddod and terminating at the treatment works (Work No. 6).

(2) The Board may maintain such of the works so authorised as, in accordance with the provisions of section 7 (Works to form part of undertaking) of this Act, form part of the undertaking.

Construction and maintenance of fish pass.

6.—(1) As part of the weir (Work No. 1) authorised by this Act the Board shall construct a fish pass to the reasonable satisfaction of the river authority and in accordance with plans, sections and particulars of the weir and fish pass previously submitted to, and reasonably approved by, the river authority:

Provided that if the river authority do not within 28 days of the submission to them of any such plans, sections and particulars intimate to the Board their approval or disapproval thereof they shall be deemed to have approved the same.

(2) On the completion of the said weir and fish pass the Board shall maintain the same in good order and, if at any time the said weir or fish pass shall be unfit for the purpose for which it is intended, the same shall be forthwith put into a proper state of repair and condition by, and at the expense of, the Board, and if the Board fail to do so within 21 days after notice served on them by the river authority requiring them to repair or renew the same the river authority may themselves cause all necessary works of repair or renewal to be done and recover costs reasonably incurred in so doing from the Board as a civil debt.

(3) Any difference which may arise between the Board and the river authority under this section (other than a difference as to the meaning or construction thereof) shall be determined by an arbitrator to be agreed upon between the parties or, failing agreement, to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers.

Works to form part of undertaking.

7. The works authorised by this Act (other than the road diversion (Work No. 5)) shall for all purposes form part of and be comprised in the undertaking.



8.—(1) The Board may divert the portion of the road known as Spencer Road leading from Pen-yr-heol to Bryncethin, in the parishes of St. Bride's Minor and Coity Higher in the rural district of Penybont in the county of Glamorgan, shown on the deposited plans and thereon denoted by the letters N to P and the portion of the bridleway or footpath leading from Pen-yr-heol to a point on the Bridgend to Bryncethin road (A4061) 400 yards or thereabouts southwards from the road access to the building known as Gwaungwaddod, in the said parish of St. Bride's Minor, shown on the deposited plans and thereon denoted by the letters f to fl and, subject to the provisions of this section, may stop up and cause to be discontinued so much of the said road and of the said bridleway or footpath as will be rendered unnecessary by the diversion thereof under the powers of this Act.

PART II  
—cont.

Diversion of road and stopping up of footpaths.

(2) The Board may stop up the bridleways or footpaths, or portions thereof, in the said parishes referred to in the next following table in the manner shown on the deposited plans:—

Letters on plans denoting bridleway or footpath to be stopped up.	Parish	Numbers on plans of enclosures traversed by bridleway or footpath to be stopped up
a-b-a1 ... ..	St. Bride's Minor	16
b-b1-b2 ... ..	St. Bride's Minor	16
c-d c1 ... ..	St. Bride's Minor	16
d-d1 ... ..	St. Bride's Minor	16
e-e1 ... ..	St. Bride's Minor	29
	Coity Higher	3
g-h-j-g1 ... ..	Coity Higher	1
h-h1 ... ..	Coity Higher	1
j-j1 ... ..	Coity Higher	1

and may also stop up so much of any other bridleways or footpaths in the said parishes of St. Bride's Minor and Coity Higher as may be situated on any lands acquired by the Board under the powers of this Act which are required for the purpose of constructing the works authorised by this Act or obtaining materials for the construction thereof.

(3) Notwithstanding anything in subsection (1) of this section, no part of the road or bridleway or footpath therein referred to shall be stopped up under the powers of this section until, in the case of the said road, the road diversion (Work No. 5) and, in the case of the said bridleway or footpath, a new length of bridleway or footpath to be substituted therefor is completed to the satisfaction of the county council and is open for use or, in the case of difference between the Board and the county council, until the Secretary of State shall have certified that the said road diversion

PART II  
—cont.

or (as the case may be) the said new length of bridleway or footpath has been completed to his satisfaction and is open for use:

Provided that the Board shall not be required under this section to construct or complete the said road diversion, or any part thereof, or the said new length of bridleway or footpath to a greater width or better standard than the portion of road or (as the case may be) of bridleway or footpath for which it is substituted.

(4) As from the stopping up under the powers of this section of any part of the said road or of the said bridleways or footpaths or portions thereof, all rights of way over or along the part so stopped up shall be extinguished and the Board may appropriate and use for the purposes of the undertaking the site and soil thereof so far as they are owners in possession of the land on both sides thereof.

(5) The road diversion (Work No. 5), and any new length of bridleway or footpath provided in pursuance of subsection (3) of this section, shall, when completed to the satisfaction of the county council, be maintained and repaired by and at the expense of the Board for a period of one year from the completion thereof, and at the expiration of that period shall vest in and be repairable by the authority or person by whom the portion of road or (as the case may be) bridleway or footpath for which it is substituted was repairable before its diversion, and shall be subject to the same public rights of way (if any) as were exercisable over the said road or (as the case may be) the said bridleway or footpath before its diversion.

Temporary  
stoppage of  
highways,  
etc.

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

(2) The Board shall provide reasonable access for foot passengers, with or without animals, bona fide going to or from any such land, house or building.

(3) (a) The powers of subsection (1) of this section shall not be exercised by the Board in relation to a highway without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment) as the highway authority may require, and any question whether such consent is unreasonably withheld, or any conditions so imposed are unreasonable, shall be determined by the Secretary of State.



(b) The powers of subsection (1) of this section shall not be exercised by the Board in relation to any drain without providing a proper substitute before interrupting the passage of water in or through such drain, and the Board 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 the Lands Tribunal.

10.—(1) Subject to the provisions of this Act, the Board may take, by means of the intake and pumping station (Work No. 2) and appropriate and use for the purposes of the undertaking, water from the river Ogmore, and may divert, impound, take, appropriate and so use the waters of all such streams, springs and watercourses as may be intercepted by means of the Cefn Hirgoed Storage Reservoir (Work No. 4) or works connected therewith. Power to take water.

(2) During the construction of the Cefn Hirgoed Storage Reservoir (Work No. 4) the Board may take from the river Ogmore, or from any such stream, spring or watercourse within the limits of deviation for the said reservoir, such water as they may require for the construction of the works authorised by this Act.

(3) The Board shall not take water from the river Ogmore under subsection (1) of this section—

(a) at any time so as to reduce the rate of flow of water in the river Ogmore as measured at the weir (Work No. 1) to less than 25,000,000 gallons per day;

(b) at a time when the rate of flow of water in the river Ogmore as so measured is less than 27,500,000 gallons per day, at any rate exceeding a rate equal to four times the amount by which the said rate of flow in the river exceeds 25,000,000 gallons per day;

(c) at any time at a rate exceeding 10,000,000 gallons per day.

(4) (a) Before taking any water from the river Ogmore the Board shall, for the purpose of measuring the rate of flow of water in the said river, construct, as part of the weir (Work No. 1), such measuring gauge as shall be agreed between the Board and the river authority or, failing agreement, determined by the Water Resources Board and, for the purpose of measuring the quantity of water taken by means of the intake (part of Work No. 2), construct such measuring gauge on such a site as shall be so agreed or determined.

(b) The Board shall maintain in good order the measuring gauges constructed by them under this subsection.



PART II  
—cont.  
Provisions  
applicable  
to foregoing  
section.

11.—(1) If the Board—

- (a) take any water from the river Ogmore contrary to the provisions of subsection (3) of section 10 (Power to take water) of this Act; or
- (b) fail to construct or maintain in good order the gauge which they are, under subsection (4) of that section, required to construct and maintain; or
- (c) refuse to allow any person interested to inspect and examine the said gauges, or any records made thereby or kept in connection therewith, or to take copies of any such records;

they shall, without prejudice to their civil liability (if any) to a person aggrieved, be liable, in the case of any offence under paragraph (a) of this subsection—

- (i) on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued; and
- (ii) on conviction on indictment, to a fine not exceeding five hundred pounds in respect of each such day;

and, in the case of an offence under paragraph (b) or (c) of this subsection, on summary conviction, to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued:

Provided that the Board shall not be under any liability under the foregoing provisions of this section in respect of any such failure as is therein referred to, if such failure is due to an avoidable accident or other unavoidable cause.

(2) The provisions of subsections (3) and (4) of the said section 10 and the foregoing provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Board may take under the powers of this Act.

(3) For the purposes of this section the river authority shall be deemed to be interested in the flow of water in the river Ogmore and shall be deemed to be aggrieved by the commission of an offence under this section.

Power to  
divert  
streams, etc.

12.—(1) It shall be lawful for the Board to divert and alter the course of any stream, watercourse or ditch over any land acquired by them for the purposes of the works authorised by this Act, and the existing bed, banks and channel of the diverted portion of any such stream, watercourse or ditch, together with

all riparian rights, shall, by virtue of this Act, vest in the Board and may be appropriated and used by the Board for the purposes of, or in connection with, those works.

PART II  
—cont.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be, and shall pay compensation to all persons for damage sustained by them, or any liability to which they may become subject, by reason of the exercise of those powers, and any difference as to the amount of the compensation to be paid shall be determined by arbitration.

(3) The provisions of this section shall be in addition to, and not in substitution for, or in derogation of, any other provision of this Act relating to the diversion of streams, watercourses or ditches or the acquisition of lands.

(4) Nothing in this section shall be construed as authorising the abstraction of water.

13. The provisions of section 145 of the Local Government Act 1933 shall apply with respect to the alteration of any water-course under the powers of section 12 (Power to divert streams, etc.) of this Act as if the alteration were done in the exercise of powers conferred by the Land Drainage Act 1930.

Application of section 145 of Local Government Act 1933. 1933 c. 51. 1930 c. 44.

14. The Board shall provide and maintain, or cause to be provided and maintained, for the workmen employed in and about the construction of the works authorised by this Act, such accommodation and such arrangements for meals as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of, or conveniently accessible from, the said works, and shall provide and maintain, or cause to be provided and maintained, proper and sufficient sanitary accommodation for such workmen.

Accommodation for workmen employed on construction of works.

15.—(1) For the purpose of section 36 of the Water Resources Act 1963 (which restricts the construction of impounding works without a licence unless the construction or alteration is authorised by an alternative statutory provision for the time being in force), and section 48 of that Act (which provides for the revocation or variation of authorisation to impound under an alternative statutory provision), this Act shall be deemed to be an alternative statutory provision within the meaning of subsection (3) of the said section 36.

Application of Water Resources Act 1963. 1963 c. 38.

(2) For the purpose of section 56 of the said Act (which contains transitional provisions for the purposes of Part IV of that Act), this Act shall be deemed to be a statutory provision coming into operation in pursuance of an application made before the end of the initial period referred to in that section.



PART II  
—cont.

For  
protection of  
Glamorgan  
River  
Authority.  
1930 c. 44.  
1961 c. 48.

For  
protection of  
Glamorgan  
County  
Council.

16. Except as expressly provided in this Act nothing in this Act shall prejudice, lessen or affect any rights, power or jurisdiction of the river authority under the Land Drainage Act 1930 and the Land Drainage Act 1961.

17. The following provisions for the protection of the county council shall, except as otherwise agreed in writing between the Board and the county council, have effect:—

- (1) Before beginning to construct the road diversion (Work No. 5) the Board shall submit to the county council for their reasonable approval such plans, sections and particulars (including details of construction) of the road diversion as they may reasonably require:
- (2) If the county council do not within 42 days after the receipt of such plans, sections and particulars give notice in writing to the Board signifying their disapproval thereof they shall be deemed to have approved them:
- (3) The said road diversion shall be constructed in accordance with such plans, sections and particulars as may be approved, or deemed to be approved, by the county council, or, if the county council shall have signified their disapproval, as may be settled by arbitration as hereafter provided in this section:
- (4) The Board shall give reasonable notice to the county council of the time at which the construction of the said road diversion is intended to begin and such work when begun, shall be carried out with all reasonable dispatch and to the reasonable satisfaction of the surveyor to the county council:
- (5) The Board shall at all reasonable times afford to the said surveyor access to the said road diversion works for the purpose of inspecting the same:
- (6) In conjunction with the road diversion (Work No. 5) the Board shall provide to the reasonable satisfaction of the county council a footpath between the point at which a footpath or way is shown on the deposited plans joining Spencer Road 140 yards or thereabouts eastwards from the buildings known as Caehelyg and a point on the road diversion as near as may be to such last-mentioned point:
- (7) If the county council are unable to secure public rights of way along the said footpath or way so shown on the deposited plans along the whole length thereof between the road leading from Bridgend to Bryncethin and Spencer Road the Board shall provide to the reasonable



satisfaction of the county council a footpath in substitution therefor on such line within the limits of land which may be acquired as may be agreed between the Board and the county council or, failing agreement, determined by arbitration as hereinafter provided:

- (8) The Board shall not be required, under paragraph (6) of this section, to provide a footpath to a greater width or better standard than the footpath or way referred to in that paragraph or, under paragraph (7) of this section, to provide a footpath to a greater width or better standard than the footpaths between the points bl and b and c and cl shown on the deposited plans, and any new footpath provided by the Board under either of the said paragraphs shall be repairable by the county council:
- (9) Any difference which may arise between the Board and the county council under this section (other than a difference as to the meaning or construction thereof) shall be determined by an arbitrator to be agreed upon between the parties or, failing agreement, to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers.

18.—(1) Any electrical control cable or means of electrical communication constructed, laid or erected under any of the provisions of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869 or be installed or worked in contravention of the provisions of the Wireless Telegraphy Acts 1949 to 1967 and shall be so constructed, laid or erected and so maintained and used as to prevent interference with any telegraphic line belonging to, or used by, the Postmaster General, or with telegraphic communication by means of any such line.

For protection of Postmaster General.

1869 c. 73.

(2) In this section the expression “ telegraphic line ” has the same meaning as in the Telegraph Act 1878.

1878 c. 76.

19. The following provisions for the protection of each of the specified boards referred to in paragraph (1) of this section shall, except as otherwise agreed in writing between the Board and the specified board concerned, have effect:—

For protection of gas, electricity and sewerage apparatus.

(1) In this section, unless the subject or context otherwise requires—

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electricity Supply Acts, 1882 to 1936) belonging to, or maintained by, the South Wales Electricity Board;

PART II  
—cont.

1950 c. 39.

(b) mains, pipes or other apparatus belonging to, or maintained by, the Wales Gas Board;

(c) sewers or other apparatus of the Penybont Main Sewerage Board;

(not being in any such case apparatus in respect of which the relations between the Board and the specified board are regulated by provisions of the Public Utilities Street Works Act, 1950), and includes any works constructed for the lodging therein of apparatus;

“ authorised work ” means any of Works Nos. 1 to 3 authorised by this Act or any work carried out for the purposes of, or in connection with, any of those works under any enactment incorporated with this Act by subsections (4) or (5) of section 4 (Application of enactments) of this Act;

“ in ” in a context referring to apparatus includes under, over, across or upon;

“ position ” includes depth;

“ specified board ” means the South Wales Electricity Board, the Wales Gas Board and the Penybont Main Sewerage Board or any of them:

- (2) Notwithstanding anything in this Act or shown on the deposited plans, the Board shall not under the powers of this Act acquire any apparatus otherwise than by agreement:
- (3) If the Board, in the exercise of the powers of this Act, acquire any interest in any land in which any apparatus is situated that apparatus shall not be removed under this section and any right of the specified board to maintain, repair, renew or inspect that apparatus in that land shall not be extinguished until alternative apparatus adequate to enable the specified board to fulfil their statutory functions in a manner not less efficient than previously shall have been constructed and brought into operation to the reasonable satisfaction of the specified board:
- (4) (a) Not less than 28 days before commencing to execute any authorised work which is likely to affect any apparatus, the Board shall submit to the specified board for their reasonable approval a plan, section and particulars of the work to be executed, and if, for the purpose of constructing the authorised work, the Board require the removal or the alteration of the position, whether permanently or temporarily, of any apparatus situated in land in which, in the exercise of the powers of this



Act, they acquire any interest, they shall also submit to the specified board notice of that requirement and, in case of removal; a plan and section of the proposed position of such adequate alternative apparatus as is referred to in paragraph (3) of this section;

- (b) Within 14 days after the submission to them of a plan, section and description of the work to be executed, the specified board may give notice to the Board that they require any apparatus which may be affected by that work to be removed or the position of that apparatus to be altered, whether permanently or temporarily, and, if it is agreed between the Board and the specified board, or, failing agreement, determined by arbitration, that the removal or alteration of the position of the apparatus is reasonably required in consequence of the work proposed by the Board, the following provisions of this section shall have effect as if the removal or alteration of the position of the apparatus had been required by the Board for the purpose of constructing the authorised work;
  - (c) If the specified board do not, within 42 days after the receipt by them of any plan, section and particulars submitted to them under sub-paragraph (a) of this paragraph, give notice in writing to the Board signifying their disapproval thereof, they shall be deemed to have approved them;
  - (d) Unless the removal of all apparatus affected by the authorised work is required by the Board, the authorised work shall be executed only in accordance with such plan, section and particulars of the work as may be approved or deemed to be approved by the specified board and in accordance with such reasonable requirements as may be made by the specified board for the alteration or otherwise for the protection of the apparatus or for securing access thereto;
  - (e) The Board shall give reasonable notice to the specified board of the time at which the construction of any such authorised work is intended to begin, and shall afford to the engineer of the specified board, or his duly authorised representative, access at all reasonable times for the purpose of watching and inspecting the execution of the work;
- (5) If the Board require the removal of any apparatus, they shall afford to the specified board the necessary facilities and rights for the construction of such adequate alternative apparatus as is referred to in paragraph (3) of this section, and thereafter for the maintenance, repair, renewal and inspection of such apparatus:



PART II  
—cont.

Provided that, if the Board are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus, or any part thereof, is to be constructed, the specified board shall, on receipt of a written notice to that effect from the Board, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (6) Any alternative apparatus to be constructed in pursuance of this section shall be constructed in such manner, and in such line or situation, as may, subject to any terms and conditions affecting the facilities and rights obtained for the construction thereof, be agreed between the Board and the specified board or, failing agreement, determined by arbitration:
- (7) The specified board shall, after such facilities and rights as are referred to in paragraph (5) of this section shall have been granted to, or obtained by them, proceed with all reasonable dispatch to construct the alternative apparatus in the manner and in the line or situation agreed or determined under paragraph (6) of this section, and to bring it into operation and thereafter to remove the apparatus for which the alternative apparatus has been substituted:
- (8) Where, in accordance with the provisions of this section, the Board afford to the specified board facilities and rights for the construction, maintenance, repair, renewal and inspection of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Board and the specified board, or, failing agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across, through or near to any work authorised by this Act, the arbitrator shall give effect to all reasonable requirements of the Board for ensuring the safety and efficient operation of that work, and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with that work; and

(b) if the facilities and rights to be afforded by the Board in respect of any alternative apparatus, and the terms and conditions subject to which the same

are to be granted, are in the opinion of the arbitrator less favourable on the whole to the specified board than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation by the Board to the specified board as shall appear to him to be reasonable having regard to all the circumstances of the case:

- (9) If in consequence of the exercise of the powers of this Act, the access to any apparatus, the removal of which is not required under this section, is materially obstructed, the Board shall provide alternative means of access to such apparatus:
- (10) The Board shall repay to the specified board the reasonable costs, charges and expenses incurred by the specified board in, or in connection with—
- (a) the inspection of apparatus which may be affected by any authorised work;
  - (b) the removal or alteration of any apparatus and the provision and construction of such adequate alternative apparatus as is referred to in paragraph (3) of this section; and
  - (c) any subsequent alteration or adaptation of apparatus which may be required to prevent interference with any work authorised by this Act;
- less the value of any apparatus which is removed in pursuance of the provisions of this section (such value being calculated after removal):
- Provided that if alternative apparatus is constructed of a better type or of a greater capacity than the apparatus to be removed for which such alternative apparatus is substituted, the specified board shall, unless the construction of apparatus of a better type or of a greater capacity is reasonably necessary for the purpose of any authorised work and to meet the requirements of the Board, bear such proportion of the cost of providing and constructing such alternative apparatus as represents the amount by which such cost exceeds the cost which would have been incurred if the type or capacity of the alternative apparatus so constructed had been the same as those of the apparatus to be removed for which it is substituted:
- (11) If by reason or in consequence of the execution, user or failure of the authorised work or any subsidence resulting therefrom any damage to any apparatus (other than apparatus the maintenance of which is not



PART II  
—cont.

reasonably necessary because of its intended removal), or any interruption in the supply of electricity or gas (as the case may be) shall be caused, the Board shall bear and pay the cost reasonably incurred by the specified board in making good such damage, and shall—

(a) make reasonable compensation to the specified board for any loss sustained by them; and

(b) indemnify the specified board against all claims or demands which may be made against them; by reason or in consequence of any such damage or interruption:

Provided that the specified board shall give to the Board reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the Board:

- (12) (a) Any difference which may arise between the Board and the specified board under this section (other than a difference as to the meaning or construction thereof) shall be determined by an arbitrator to be agreed upon between the parties or, failing agreement, to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers;
- (b) In settling any difference under this section the arbitrator may, if he thinks fit, require the Board to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with any purpose for which the apparatus is used.

For  
protection of  
British  
Railways  
Board.

20.—(1) Subject to the provisions of this section, nothing in this Act shall authorise the Board to execute any works along, across or under any railway of the British Railways Board (hereinafter referred to as “the railways board”) without the consent of the railways board:

Provided that such consent shall not be unreasonably withheld and if any question arises as to whether or not consent is unreasonably withheld, either party may require that it shall be referred to an arbitrator to be appointed, failing agreement, by the President of the Institution of Civil Engineers.

(2) Upon an arbitration under this section, the arbitrator shall determine—

- (a) whether any works which the Board propose to execute are such works as under subsection (1) of this section they are not entitled to execute without consent; and

(b) if they are such works, whether the injury, if any, to the railways board will be of such a nature as to admit of being fully compensated by money; and

(c) if the works are of such a nature, the conditions, including conditions of a financial character with respect to the payment of compensation, future liabilities and otherwise, subject to which—

(i) the railways board shall, if they so elect, carry out the works on behalf of the Board; or

(ii) in default of such election, the Board may themselves carry out the works.

(3) If the arbitrator should determine that the proposed works are such works as the Board are not entitled to execute without consent and that the works would cause injury to the railways board of such a nature as not to admit of being fully compensated by money, the Board shall not proceed to execute the works, but in any other case they may execute the works subject to compliance with such conditions, including the payment of such compensation, as the arbitrator may have determined.

(4) Nothing in this section shall be construed as limiting the powers of the Board under this Act in respect of the opening and breaking up of streets and bridges.

### PART III

#### LANDS

21.—(1) Notwithstanding anything in the Commons Regulation (Coity Wallia) Provisional Order Confirmation Act 1919, but subject to the provisions of this Act, the Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act, 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.  
1919 c. lxx.

(2) The powers of the Board for the compulsory acquisition of lands under this section shall cease after the expiration of the period of three years from 31st December, 1968.

22.—(1) If the deposited plans 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 Board, after giving not less than ten days' notice

Correction of errors in deposited plans and book of reference.



PART III  
—cont.

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.

(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 shall be deposited in the Private Bill Office, House of Commons, and with the clerk of the county council and with the clerk of the Penybont Rural District Council, and with each clerk of a parish council with whom a copy of the deposited plans 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 plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Board 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.

Disregard of recent improvements and interests.  
1965 c. 56.

23. In determining any question of disputed compensation under the Compulsory Purchase Act 1965 as applied by this Act the Lands Tribunal shall not take into account—

- (a) any works executed, improvement or alteration made, or building erected, after 5th December, 1967; or
- (b) any interest in the land in question created after the said date;

which, in the opinion of the tribunal, was not reasonably necessary and was executed, made, erected or created with a view to obtaining, or increasing, the compensation or purchase money.

Extinction of private rights of way.

24.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on the entry on the land in pursuance of section 11 (1) of the Compulsory Purchase Act 1965 as applied by this Act, whichever is the sooner.

1961 c. 33.

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

25.—(1) The Board may, instead of acquiring any land which they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over or in the land as they may require for the purpose of doing anything in connection with the works authorised by this Act.

PART III  
—cont.

Power to  
acquire  
easements  
only.

(2) Accordingly the Board may give notice to treat in respect of any such easements or rights describing the nature thereof, and the provisions of Part I of the Compulsory Purchase Act 1965 as applied by this Act shall have effect in relation to the acquisition of such easements and rights as if they were lands within the meaning of those provisions.

1965 c. 56.

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

(a) they shall not be required, or (except by agreement or during the execution of the works authorised by this Act) entitled, to fence off or sever that land from the adjoining land;

(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 Board to acquire the land, the Board shall not be entitled under this section to acquire the easement or right unless the Lands Tribunal determines that the easement or right can be granted without material detriment to the land and, if the tribunal does not so determine, the Board may acquire the land compulsorily notwithstanding that the period mentioned in subsection (2) of section 21 (Power to acquire lands) of this Act has expired, but not later than one year after the determination of the tribunal.

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

26. The power of the Board of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Act.

Provision of  
substituted  
sites.

27.—(1) The Board may enter into, and carry into effect, agreements with any person being the owner of, or interested

Agreements  
with  
adjoining  
owners.



PART III  
—cont.

in, any land abutting on any portion of the lands which may be acquired under this Act, with respect to the sale by the Board to him of any land.

(2) The Board may accept, as satisfaction for the whole or any part of the consideration for any such sale, the grant by the purchaser of any land required by the Board for the purposes of this Act, or any easement or right so required.

Power to  
reinstate  
occupiers of  
property.

28.—(1) The Board may enter into, and carry into effect, an agreement or arrangement with the occupier of any land acquired under this Act with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land and, for that purpose, the Board may pay or receive money for equality of exchange.

## PART IV

## FINANCE AND MISCELLANEOUS

Power to  
borrow.  
1933 c. 51.

29.—(1) In addition and without prejudice to their powers of borrowing under the Local Government Act 1933 (as applied to the Board by the Mid-Glamorgan Water Order 1967), or any other enactment, the Board may borrow—

(a) such sums as may be necessary for any of the purposes of this Act;

(b) without the consent of any sanctioning authority, for any of the purposes specified in column (1) of the following table, the sum specified in relation thereto in column (2) of that table.

(2) Every sum borrowed under paragraph (a) of the foregoing subsection shall be repaid within such period from the date of borrowing as the Board, with the consent of the sanctioning authority, may determine, not exceeding sixty years.

(3) Every sum borrowed under subsection (1) (b) of this section shall be repaid within such period from the date of borrowing as the Board, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in column (3) of the following table.

(4) Subject to the provisions of this section, Part IX of the Local Government Act 1933 shall have effect as if money borrowed under this section were borrowed under that Part.

(5) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

Purpose for which money may be borrowed (1)	Amount (2)	Maximum period for repayment of loan (3)
(a) The purchase of lands and easements and the payment of compensation for rights	The sum required	Sixty years.
(b) The construction of Work No. 4 ... ..	£756,000	Sixty years.
(c) The construction of Works Nos. 1, 2, 5, 6 and 10 (except treatment plant and machinery)	£378,100	Forty years.
(d) The construction of Works Nos. 3, 7, 8 and 9	£102,550	Thirty-five years.
(e) The provision of treatment plant forming part of Work No. 6	£94,000	Twenty years.
(f) The provision of pumping plant forming part of Works Nos. 2 and 6	£79,900	Fifteen years.
(g) The payment of the costs, charges and expenses of this Act	The sum required	Five years.

30.—(1) In the construction of Works Nos. 1 to 6 authorised by this Act the Board shall have regard to the preservation of the public of the natural beauty of the area in which those works are situate and the enjoyment of the area by the public.

Preservation of amenities.

(2) For the purpose of the foregoing provisions of this section, the Board shall appoint a landscape consultant or architect to advise them in connection with their duties thereunder.

31. Section 82 (Power to enter premises) of the Third Schedule (as applied to the undertaking by the Mid-Glamorgan Water Order 1962) shall have effect as if after paragraph (d) of sub-section (1) thereof there were inserted the following paragraphs:—

Modification of section 82 of Third Schedule to Water Act 1945.

“(e) where any person has been convicted of an offence under section 35 (4) of the Water Act 1945, for the purpose of repairing the injury to which such conviction relates;

1945 c. 42.

(f) for the purpose of removing water fittings belonging to the undertakers if supply to the premises is discontinued;



PART IV  
—cont.

(g) for the purpose of cutting off the supply of water to any premises in any case in which the undertakers are authorised to cut off supply.”

Power to  
require  
information  
as to  
ownership  
of land.

32.—(1) The Board may, for the purpose of enabling them to perform any of their functions under any enactment in force at the passing of this Act under which the Board are, or may be, authorised to acquire land compulsorily or to lay mains or execute other works on land, require—

- (i) the occupier, and any person having an interest in any land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest in that land, whether as freeholder, mortgagee, lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of that land; and
- (ii) any person who has sold or otherwise disposed of, leased or let any land to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who, having been required by the Board under this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding five pounds.

(3) For the purposes of this section—

“land” means any corporeal hereditament, including a building, and includes any interest in, or right over, land;

“interest” includes any legal estate or interest in land or in any rentcharge issuing out of land.

Saving for  
town and  
country  
planning.  
1962 c. 38.

33. The provisions of the Town and Country Planning Act 1962, and any restriction or power thereby imposed or conferred in relation to land, shall apply and may be exercised in relation to any land, notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Costs of  
Act.

34. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of their common fund or out of moneys to be borrowed under this Act.

## SCHEDULE

## PROVISIONS OF THIRD SCHEDULE TO WATER ACT 1945 APPLIED

Section 4 (5).

(1) Provisions applied	(2) Modifications
Part II (Works and Lands) (except sections 7 and 9)	<p>In section 2 for the words "plans submitted to the Minister" there shall be substituted the words "deposited plans" and for the words "said plans" wherever they occur there shall be substituted the words "deposited sections".</p> <p>In section 4 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 deposited plans within the limits of land which may be acquired for the authorised works"; and after the word "buildings" there shall be inserted the words "means of access, means of electrical communication, embankments, fences, piers, bridges".</p>
Part IV (Minerals Underlying Waterworks)	<p>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.</p>
Part XVI (General and Miscellaneous) (except sections 79, 80, 81 and 84)	<p>In section 93 (1) after the words "under any enactment" there shall be inserted the words "(other than their new functions under the Water Resources Act 1963)".</p>

1963 c. 38.



LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

2s. 6d. net