

Tees Valley and Cleveland Water Act, 1958

6 & 7 ELIZ. 2 Ch. xlv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

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

PART II

WATER SUPPLY

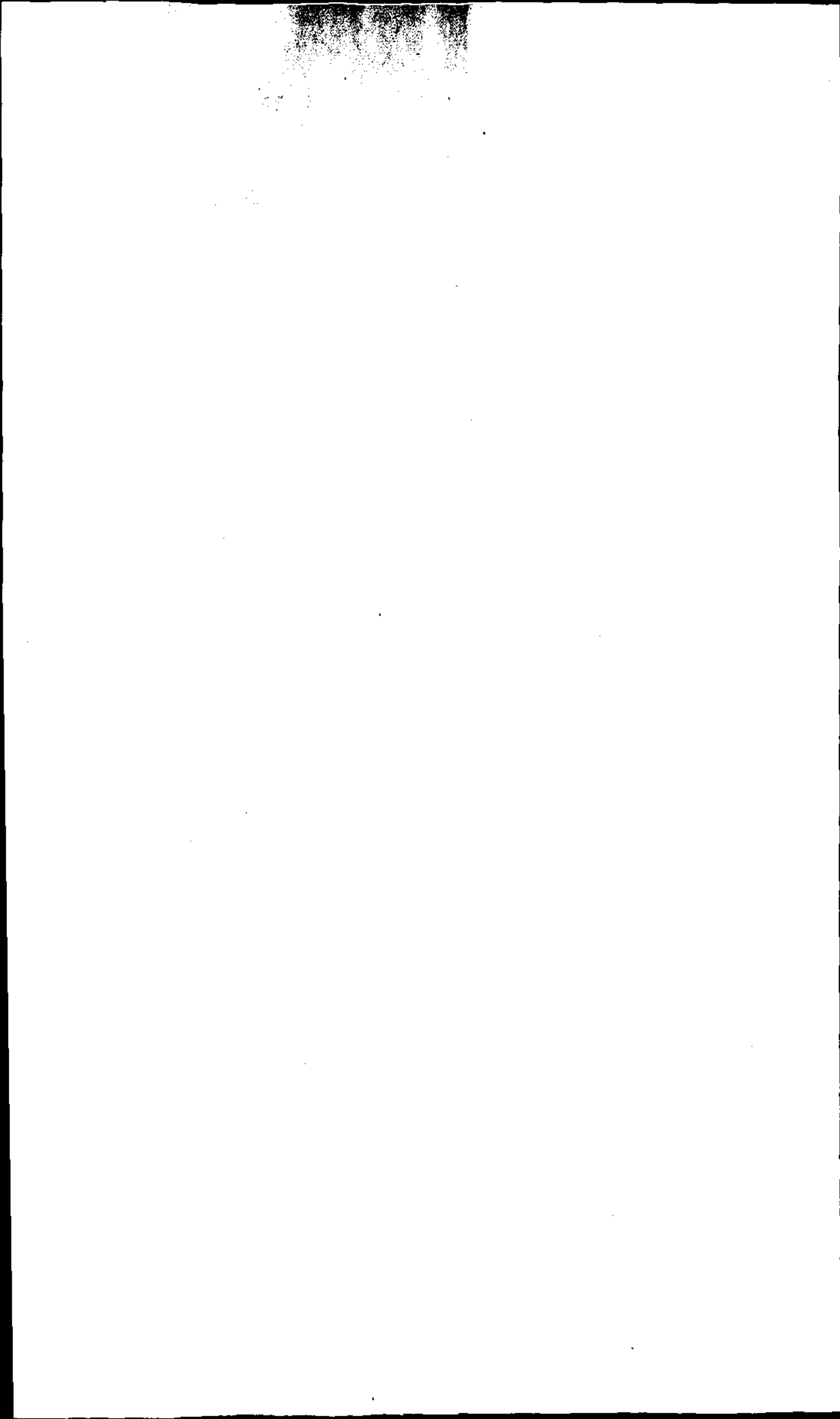
4. Relief from obligations with respect to discharge of compensation water into rivers Lune and Balder.
5. Amendment of section 34 of Act of 1907.
6. As to premises deemed to be supplied with water.
7. Special readings of water meters.
8. Power to recover charge for turning off and turning on in certain cases.
9. Guarantees in respect of supplies for new buildings.
10. Supplies to premises in area of development.
11. As to meter rents.
12. Obstructions to stopcocks valves and indicator boards etc.

PART III

MISCELLANEOUS

13. Power to constituent authorities to lend money to Board.
14. Repeal.
15. Amendment of section 63 of Third Schedule to Water Act 1945.
16. Costs of Act.

SCHEDULE—Compensation for reduction of compensation water.





CHAPTER xlv

An Act to make provision with respect to the discharge of compensation water by the Tees Valley and Cleveland Water Board to confer further powers upon the Board and for other purposes. [1st August 1958.]

WHEREAS—

(1) By the Tees Valley and Cleveland Water Acts and Orders 1907 to 1958 the Tees Valley and Cleveland Water Board (in this Act referred to as “the Board”) are the authorised undertakers for the supply of water and supply water within a large area in the counties of Durham and of the North Riding of the county of York including the boroughs of Stockton-on-Tees and Thornaby-on-Tees and in the county borough of Middlesbrough:

(2) By section 36 (Compensation for water taken from river Lune) and section 37 (Compensation for water taken from river Balder) of the Tees Valley Water (Consolidation) Act 1907 the Board are required to discharge into the rivers Lune and Balder quantities of compensation water not less than four thousand three hundred and fifty gallons per minute and two thousand three hundred and twenty-five gallons per minute respectively and under section 34 (Power to take water from rivers Lune and Balder and other streams) of the said Act of 1907 as amended by subsequent enactments the Board are prohibited from taking water from their Grassholm Reservoir in certain circumstances:

(3) The demand for water within the limits of supply of the Board has increased is increasing and is likely further to increase and it is expedient to make temporary provision for relieving the

Board from their obligations with respect to the discharge of the said quantities of compensation water into the rivers Lune and Balder and to abolish the restriction with respect to the taking of water from the said Grassholm Reservoir:

(4) It is expedient that the other powers contained in this Act should be conferred and that the other provisions of this Act should be enacted:

(5) The objects of this Act cannot be attained without the authority of Parliament:

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 and collective titles.

1.—(1) This Act may be cited as the Tees Valley and Cleveland Water Act 1958.

(2) This Act shall be included among the enactments which may be cited together as the Tees Valley and Cleveland Water Acts and Orders 1907 to 1958.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Water supply.

Part III.—Miscellaneous.

Interpretation.

3.—(1) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“ Act of 1907 ” means the Tees Valley Water (Consolidation) Act 1907;

“ Board ” means the Tees Valley and Cleveland Water Board;

“ Darlington Corporation ” means the mayor aldermen and burgesses of the county borough of Darlington;

“ day ” means a day of twenty-four hours reckoned from midday;

“ limits of supply ” means the limits within which the Board are from time to time authorised to supply water;

“ Minister ” means the Minister of Housing and Local Government;

“ undertaking ” means the undertaking of the Board as from time to time authorised.

(2) 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.

PART II

WATER SUPPLY

4.—(1) Subject to the provisions of this section where the Minister is satisfied that a serious deficiency in the supply of water exists or is threatened within the limits of supply he may on the application of the Board by order relieve the Board to such extent as he may think fit from their obligations under section 36 (Compensation for water taken from river Lune) and section 37 (Compensation for water taken from river Balder) of the Act of 1907 or either of those sections with respect to the quantities of compensation water to be discharged into the rivers Lune and Balder from the works referred to in those sections or under section 38 (Compensation water to be discharged continuously) of the Act of 1907 with respect to the periods during which or the manner in which such compensation water is to be discharged.

Relief from obligations with respect to discharge of compensation water into rivers Lune and Balder.

(2) An order under this section shall continue in force for such period not exceeding nine months as may be specified therein without prejudice to the right of the Minister at any time to revoke or extend the order:

Provided that where an order ceases to have effect by the effluxion of time or revocation the Minister may make another order under this section.

(3) An order under this section—

(a) shall not relieve the Board from their obligations under the provisions of the said sections 36 and 37 of the Act of 1907 or either of those sections to such extent as would permit the Board to discharge—

(i) into the river Lune from the works referred to in the said section 36 a quantity of water less than one thousand and eighty-seven gallons per minute; or

(ii) into the river Balder from the works referred to in the said section 37 a quantity of water less than five hundred and eighty-one gallons per minute; and

(b) shall not relieve the Board from their obligation to discharge the said quantities of water in a regular equal constant and continuous flow in accordance with the provisions of the said section 38 of the Act of 1907 or restrict the powers of the Darlington Corporation or the Wear and Tees River Board (as successors to the Tees Salmon

PART II
—cont.

Fishery Board) under the proviso to the said section 38 to such extent as would prevent them from requiring the Board to reduce the quantity to be discharged into the river Lune from the works referred to in the said section 36 to a quantity not less than seven hundred and twenty-five gallons per minute and to accumulate in the Grassholm Reservoir of the Board a quantity of water not less than three hundred and sixty-two gallons per minute for a period of ten days or five days.

(4) (a) Not later than the date on which they make application to the Minister for an order under this section the Board shall serve on the Darlington Corporation the Wear and Tees River Board and the Tees Conservancy Commissioners notice of such application stating the general effect of the proposed order accompanied by a statement setting out such information as is submitted by the Board to the Minister in connection with the application.

(b) If within the period of three months from the date on which the newspaper notice referred to in paragraph (e) of this subsection is last published the Board are by notice in writing requested by the owner or occupier of any land to which this subsection applies to register him for the purposes of this section the Board shall enter his name and address and a statement identifying the land in respect of which he is entitled to be registered in a register to be kept by them for the purpose and except in so far as may be otherwise agreed with him in writing shall in the case of an application for an order under this section affecting any river on which the land in respect of which he is so registered abuts serve on him or on his successors in title as owners or occupiers of that land notice of such application stating the general effect of the proposed order.

(c) If before the expiration of fourteen days after the service by the Board of notice of an application for an order under this section the Darlington Corporation the Wear and Tees River Board or the Tees Conservancy Commissioners under the hand of the town clerk of Darlington or of the respective clerks to the Wear and Tees River Board or the Tees Conservancy Commissioners or the owner or occupier of any land in respect of which a person is registered under the provisions of paragraph (b) of this subsection serve on the Minister notice of an objection to the proposed order the Minister shall before making the order afford to the authority by which or the owner or occupier by whom any such objection has been duly made as aforesaid and whose objection has not been withdrawn an opportunity of appearing before and being heard by a person appointed by him for the purpose and shall consider the objection and the report of the person appointed as aforesaid.

(d) This subsection applies to any land which abuts on the river Lune or the river Balder at any point below the embankment or dam of the Grassholm Reservoir or the embankment or dam of the Hury Reservoir of the Board (as the case may be) or which abuts on the river Tees at any point below the confluence of the river Lune and the river Tees.

(e) Within two months from the passing of this Act the Board shall publish once in each of three successive weeks in at least one daily and one weekly local newspaper circulating in the area in which the lands to which this subsection applies are situated a notice of the passing of this Act stating the general effect of this section and specifying the address to which and the date by which any notice requesting registration under paragraph (b) of this subsection should be sent.

(5) The Board shall pay compensation to any person who but for an order made under this section would have been entitled to institute proceedings in respect of a failure by the Board to comply with their obligations to discharge into the rivers Lune and Balder the quantities of compensation water required under the said sections 36 and 37 of the Act of 1907 or either of those sections for any damage sustained by such person by reason of compensation water being discharged otherwise than in accordance with such obligations and the provisions of the schedule to this Act shall have effect with respect to the making of claims for and the determination and assessment of such compensation.

(6) The provisions of this section shall cease to have effect on the thirty-first day of December nineteen hundred and sixty-one:

Provided that if before the said thirty-first day of December nineteen hundred and sixty-one the Board commence the construction of a new impounding reservoir the provisions of this section shall continue in force until the thirty-first day of December nineteen hundred and sixty-six.

5. As from the passing of this Act section 34 (Power to take water from rivers Lune and Balder and other streams) of the Act of 1907 shall have effect as if the second proviso to that section were omitted. Amendment of section 34 of Act of 1907.

6. Where the owner or occupier of any premises within the limits of supply which are not supplied with water by the Board habitually obtains for use in those premises water which has been supplied to other premises by the Board he shall pay to the Board such charges as he would be liable to pay if the premises owned or occupied by him were supplied with water by the Board. As to premises deemed to be supplied with water.

PART II
—cont.Special
readings of
water meters.

7. Where the Board take the reading of any meter fixed in any premises at the request and for the convenience of any consumer at any time other than that of the periodical meter reading they may recover from such consumer the expenses reasonably incurred by them in so doing.

Power to
recover charge
for turning off
and turning
on in certain
cases.

8. Where the occupier of any house having a separate supply of water gives notice to the Board for the discontinuance of the supply to such house without giving up possession and within a period of nine months thereafter requires the supply to be reconnected the Board may make a reasonable charge for turning off and turning on the supply of water to such house and for disconnecting and reconnecting such supply and such charge may be recovered summarily as a civil debt.

Guarantees in
respect of
supplies for
new buildings.

9. Where in pursuance of section 37 of the Water Act 1945 the owner of any land requires the Board to construct any works for the purpose of affording supply to any new buildings which he proposes to erect the Board instead of requiring the owner to give an undertaking to pay in respect of each year such sum as is provided in paragraph (a) of the proviso to subsection (1) of the said section 37 may agree with him for the payment by him to the Board of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

Supplies to
premises in
area of
development.

10. Where the Board are required to lay mains or to construct any other works to bring water to any area for the purpose of affording a supply to any premises and the Board (in anticipation of further development in the area in which such supply is required) provide and lay mains or construct other works of greater capacity than may be necessary to bring to the area the quantity of water to be supplied to such premises and within the period of five years from the completion thereof a requisition is made for a supply to any other premises and it appears to the Board to be desirable to use the mains or works aforesaid or any part thereof for the purpose of affording such last-mentioned supply the Board may before complying with such requisition—

- (a) in the case of a requisition made under section 29 of the Third Schedule to the Water Act 1945 as applied to the undertaking and incorporated by the Tees Valley Water Order 1957 require that for the purpose of determining the validity of the requisition there shall be brought into account the portion of the expense incurred by them in providing and laying the mains aforesaid or the part thereof which would be used by the Board to afford the supply to which the requisition relates as if that portion of such expense would be incurred by the Board in providing and laying mains necessary for compliance with the requisition; and

(b) in the case of a requisition made under section 37 of the Water Act 1945 require the person making the requisition to undertake to pay in respect of each year a sum calculated in accordance with the proviso to subsection (1) of the said section 37 in respect of the portion of the expense incurred by them in constructing the works aforesaid comprising service reservoirs or mains or the part thereof which would be used by the Board to afford the supply to which the requisition relates as if that portion of such expense would be incurred by the Board in constructing the service reservoirs and providing and laying mains necessary for compliance with the requisition:

Provided that if the person making the requisition so desires the Board may instead of requiring the payment of an annual sum as aforesaid agree with him for the payment by him to the Board of such capital contribution as they may determine towards the expense so incurred by the Board in constructing such works aforesaid comprising service reservoirs or mains or the part thereof which would be used by the Board to afford the supply to which the requisition relates.

11.—(1) Notwithstanding anything in section 35 of the Water Act 1945 if the Board so determine they shall not make any charge in respect of meter rent or meter hire. As to meter rents.

(2) Nothing in this section shall prejudice or affect any enactment or agreement from time to time authorising the Board to make a minimum charge in respect of any supply afforded by meter.

12. Where any person has—

Obstructions to stopcocks valves and indicator boards etc.

- (a) covered over any stopcock or valve or has otherwise obstructed the means of access to any stopcock or valve; or
- (b) caused or permitted any stopcock or valve to be covered over or the access thereto to be obstructed; or
- (c) covered over damaged or removed any identification mark plate post or board installed by the Board for the location of any stopcock or valve or any support thereto; or
- (d) caused or permitted any such identification mark plate post or board or support to be covered over damaged or removed;

the expense incurred by the Board in uncovering the stopcock or valve or removing the obstruction or uncovering repairing or replacing the identification mark plate post board or support

PART II
—cont.

shall be paid to the Board by that person and may be recoverable by the Board as a simple contract debt in any court of competent jurisdiction or in the case of any amount not exceeding twenty pounds summarily as a civil debt.

PART III

MISCELLANEOUS

Power to
constituent
authorities
to lend money
to Board.

13.—(1) Any authority which is for the time being a constituent authority of the Board may lend to the Board any sum or sums which the Board may from time to time be empowered to borrow on such terms and conditions and in such form as may be agreed between the Board and such authority.

(2) The provision by any such authority of money for lending to the Board under the foregoing subsection shall be a purpose for which that authority may borrow money.

Repeal.

14. The following enactments are hereby repealed:—

Tees Valley Water Act 1923—

Section 15 (Amending restrictions on taking of water from Grassholme Reservoir);

Tees Valley Water Act 1953—

Section 32 (Power to recover charge for turning off and turning on in certain cases);

Section 36 (Charges for special readings of water meters).

Amendment
of section 63
of Third
Schedule to
Water Act
1945.

15. As from the passing of this Act section 63 of the Third Schedule to the Water Act 1945 as applied to the undertaking and incorporated by the Tees Valley Water Order 1957 shall have effect as if in subsection (2) thereof for the words “may be settled by the court” there were substituted the words “may be settled by the engineer of the undertakers or other officer duly authorised in that behalf by the undertakers”.

Costs of Act.

16.—(1) 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.

(2) The Board shall have power in addition and without prejudice to their powers of borrowing under any other enactment to borrow without the consent of any sanctioning authority the sum required for and in connection with the payment of the said costs charges and expenses and they shall pay off all money so borrowed within such periods as they may determine not exceeding five years from the date of borrowing.

(3) The provisions of Part IX of the Local Government Act 1933 so far as such provisions are not inconsistent with this section shall extend and apply to any money borrowed by the Board under this section as if it were borrowed under the said Part IX and the period fixed under this section for the repayment of any money so borrowed shall as respects that money be the fixed period for the purpose of the said Part IX.

PART III
—cont.

SCHEDULE

COMPENSATION FOR REDUCTION OF COMPENSATION WATER

1. A claim for compensation under subsection (5) of section 4 (Relief from obligations with respect to discharge of compensation water into rivers Lune and Balder) of this Act shall be made by serving upon the Board a notice in writing stating the grounds of the claim and the amount claimed.

2. Any such claim may be made at any time not later than three months after the end of the period for which any order made under the said section 4 of this Act relieves the Board from their obligations to discharge into the rivers Lune or Balder the quantities of compensation water required under section 36 (Compensation for water taken from river Lune) and section 37 (Compensation for water taken from river Balder) of the Act of 1907 or either of those sections.

3. Any question as to the right of a claimant to be paid compensation by the Board or as to the amount of compensation payable by the Board shall in default of agreement be referred to and determined by an arbitrator agreed between the parties or in default of agreement to be appointed by the Minister.

4. Where a claim is made during the continuance of an order made under the said section 4 of this Act the arbitrator may if he thinks fit award as compensation (or part thereof) a sum representing the damage which is likely to be sustained by the claimant in respect of each day on which the Board discharge compensation water otherwise than in accordance with their obligations as aforesaid.

5. In assessing compensation the arbitrator may if he thinks fit have regard to the amount of water which under the conditions existing at any time by reason of a shortage of rain would have been available to the claimant if the Board had not constructed the works referred to in the said sections 36 and 37 of the Act of 1907.

6. An arbitrator appointed for the purposes of this schedule may in any case in which he thinks it expedient to do so call in the aid as assessor of a person to be selected by the arbitrator from a panel of persons nominated by the President of the Institution of Civil Engineers and he may hear the case wholly or partly with the assistance of the assessor.

Where the arbitrator calls in the aid of a person as assessor there shall be payable by such of the parties and in such proportions as may be determined by the arbitrator such sum in respect of the remuneration and expenses of the assessor as may be so determined.



Table of Statutes referred to in this Act

Short title	Session and chapter
Tees Valley Water (Consolidation) Act 1907	7 Edw. 7 c. lxxx.
Tees Valley Water Act 1923	13 & 14 Geo. 5 c. xxxiii.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Tees Valley Water Act 1953	1 & 2 Eliz. 2 c. xxxiv.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s. 0d. net

PRINTED IN GREAT BRITAIN