



CHAPTER iv.

An Act to confer further powers on the Barnet District Gas and Water Company and for other purposes. A.D. 1928.
[26th April 1928.]

WHEREAS by the Barnet District Gas and Water Acts 1872 to 1926 the Barnet District Gas and Water Company (hereinafter called "the Company") are incorporated and authorised to construct gasworks and waterworks and to supply gas and water within the respective limits defined in those Acts :

And whereas the demand for water within the Company's limits for the supply of water is increasing and it is expedient to authorise the Company to construct new works as in this Act mentioned for the purpose of developing or increasing the supply of water obtainable from existing pumping stations of the Company :

And whereas it is expedient to confer further powers on the Company as by this Act provided and that the other provisions of this Act be enacted :

And whereas plans and sections showing the lines and levels of the works by this Act authorised and a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands in which easements may be acquired for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Hertford and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short and
collective
titles.

1.—(1) This Act may be cited as the Barnet District Gas and Water Act 1928.

(2) The Barnet District Gas and Water Acts and Orders 1872 to 1926 and this Act may together be cited as the Barnet District Gas and Water Acts and Orders 1872 to 1928.

Incorporation of
Acts.

2. The following Acts (so far as applicable for the purposes of this Act and not inconsistent with the provisions of this Act and of the existing Acts) are hereby incorporated with and form part of this Act (namely) :—

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 except sections 75 to 79 and except the words “ with the consent in “ writing of the owner or reputed owner of any “ such house or of the agent of such owner ” in section 44 thereof ;

The Waterworks Clauses Act 1863.

Interpreta-
tion.

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

“ The Company ” “ the water limits ” and “ the water undertaking ” have the same respective meanings as in the Act of 1926 ;

“ The Act of 1887 ” “ the Act of 1904 ” and “ the Act of 1926 ” respectively mean the Barnet District Gas and Water Acts of those respective years ;

“ The new works ” means the adits (No. 1) (No. 2) and (No. 3) and the well authorised by this Act ;

“The Tyttenhanger pumping station” “the Roestock pumping station” and “the Hatfield pumping station” respectively mean the pumping stations of the Company at Tyttenhanger Roestock and Hatfield respectively; A.D. 1928.

“The tribunal” means the jury arbitrators or other body to whom any question of disputed purchase money or compensation under this Act is referred.

4. Subject to the provisions of this Act the Company may in the line and under the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following work in the county of Hertford:— Power to construct adit.

An adit (No. 1) commencing by a junction with the existing heading of the Company under the site of the Tyttenhanger pumping station at a point about 150 yards south-eastwards of the westernmost corner of the enclosure numbered 58 on the Ordnance map (scale $\frac{1}{25000}$) edition of 1924 Hertfordshire sheet XXXV 13 and terminating by a junction with the existing heading of the Company under the site of the Roestock pumping station at a point about 133 yards northwards of the southernmost corner of the enclosure numbered 598 on sheet XXXV 14 of the said Ordnance map;

together with all such subsidiary works as may be necessary or expedient for enabling water to be intercepted diverted and conveyed by the said adit (No. 1) and for facilitating the pumping and raising by means of the said pumping stations or either of them of any water so intercepted diverted or conveyed.

5. Subject to the provisions of this Act the Company may on and under the lands in the parish of Bishop's Hatfield in the rural district of Hatfield in the county of Hertford delineated on the deposited plans and included within the “Limit of deviation of intended well and adits” marked on those plans make and maintain the following works (namely):— Power to make works at Hatfield.

A well at a point about 44 yards south-eastwards from the south-eastern corner of the existing reservoir on the site of the Hatfield pumping station;

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An adit (No. 2) commencing in the said well and terminating on the northern boundary of the said lands;

An adit (No. 3) commencing in the said well and terminating on the western boundary of the said lands; and

All such bores adits buildings works machinery and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the Hatfield pumping station or the said well and adits or necessary or expedient for the purpose of intercepting obtaining abstracting conveying pumping and raising water by means of the Hatfield pumping station and works connected therewith.

Power to deviate.

6.—(1) In the construction of the adit (No. 1) authorised by this Act the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plans and vertically from the level shown on the deposited sections to any extent upwards or downwards Provided that no part of the adit shall be constructed at a higher level than one hundred feet below the surface of the ground.

(2) In the construction of the well and the adits (No. 2) and (No. 3) by this Act authorised the Company may deviate laterally to any extent within the limits of deviation shown on the deposited plans and vertically from the levels shown on the deposited sections to any extent upwards or downwards.

Power to abstract water.

7. Subject to the provisions of this Act the Company may collect divert pump raise take appropriate and use for the purposes of the water undertaking—

(1) all or any underground waters which will or may be intercepted by or collected in the adit (No. 1) and works connected therewith authorised by section 4 (Power to construct adit) of this Act; and

(2) all or any underground waters which will or may be intercepted by the well adits bores and other works authorised by section 5 (Power to make works at Hatfield) of this Act or as may be found in or under the lands referred to in that section.

8.—(1) The Company may for the purposes of the adit (No. 1) and works connected therewith authorised by this Act acquire such easements under the lands shown on the deposited plans and included within the "Limit of deviation and of easement for intended adit No. 1" marked on those plans as they may require for making (subject to the provisions of this Act) and maintaining and from time to time enlarging repairing renewing inspecting and using and obtaining access to the said adit and works connected therewith. Provided that nothing in this Act shall authorise the Company to acquire any part of or any easement in the surface of the said lands or of the subsoil thereof above the level of one hundred feet below the surface of the ground.

(2) The Company may also for the purposes of their existing aqueduct or rising main between the Tyttenhanger pumping station and the Company's Arkley (High Barnet) service reservoir and of any works connected with such aqueduct enter on the lands shown on the deposited plans and included within the "Limit of easement for aqueduct" marked on those plans and acquire such easements in under or over those lands (in addition to any easements or rights therein now belonging to the Company) as they may require for maintaining the said aqueduct and works connected therewith and from time to time enlarging repairing renewing inspecting and using and obtaining access to the same and the Company may maintain enlarge repair renew inspect and use the said aqueduct and works in accordance with any easements so acquired.

(3) The Company shall make to the owners lessees and occupiers and other parties having any estate or interest in the lands referred to in subsections (1) and (2) of this section compensation for any easements so acquired and may give notice to treat in respect of any such easements and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(4) Nothing in this section shall entitle the Company to fence off or sever the lands referred to in subsection (2) of this section from the adjoining lands but the owners or occupiers for the time being shall (subject to any

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Power to
acquire
easements.

A.D. 1928. easements in those lands for the time being belonging to the Company) have the same rights to use the lands at all times as if this Act had not been passed.

Period for compulsory purchase of easements.

9. The powers of the Company for the compulsory purchase of easements for the purposes of this Act shall cease on the thirty-first day of December nineteen hundred and thirty-one.

Provisions as to commonable lands.

10.—(1) The quantity of the common or commonable lands in the parish of Ridge in the rural district of Barnet known as Colney Heath in which easements may be acquired by the Company under subsection (2) of section 8 (Power to acquire easements) of this Act shall not exceed 1 acre 3 roods 24 perches.

(2) If the Company in exercise of the powers of the said section 8 break open or otherwise disturb the surface of any part of the said common or commonable lands they shall as soon as practicable fill in the ground and restore such surface to the approval of the Barnet Rural District Council or if such approval is unreasonably withheld to the satisfaction of two justices acting for the county of Hertford.

Incorporation of sections of Act of 1926.

11. Section 6 (Persons under disability may grant easements &c.) and section 11 (Costs of arbitration in certain cases) of the Act of 1926 shall apply to and with respect to the acquisition of easements under the powers of this Act as though those sections with any necessary modifications were re-enacted in this Act.

For protection of Hertfordshire County Council.

12. For the protection of the county council of the administrative county of Hertford (in this section called "the council") the following provisions shall unless otherwise agreed between the council and the Company apply and have effect (that is to say):—

(1) The adit (No. 1) and works connected therewith authorised by this Act shall not be made otherwise than in accordance with plans and sections to be agreed between John Francis Haseldine on behalf of the Company or failing him such other person as the Company may appoint for that purpose and John Mackworth Wood on behalf of the council or failing him such other person as the council may appoint for that purpose or in default of such agreement

as may be settled by arbitration as hereinafter provided : A.D. 1928.

- (2) Subject as aforesaid no adits headings or other works for intercepting water shall be constructed (except with the consent in writing of the council under the hand of their clerk) in connection with the Roestock pumping station outside the site of that pumping station or under the site of the Tyttenhanger pumping station north-westwards of an imaginary straight line drawn south-west and north-east through the existing well on that site :
- (3) The Company shall not drive any headings adits or other works for intercepting water in connection with the Hatfield pumping station except under the lands delineated on the deposited plans and included within the "Limit of deviation of intended well and adits" marked on those plans :
- (4) The quantity of water to be pumped by the Company at the Tyttenhanger Roestock and Hatfield pumping stations shall not (without the consent of the council under the hand of their clerk) in the aggregate exceed a total of five million gallons in any one day of twenty-four hours during the months of January to August (inclusive) and a total of four million five hundred thousand gallons in any one day of twenty-four hours during the months of September to December (inclusive) Provided that the consent of the council shall not be unreasonably withheld to the pumping by the Company of a quantity of water in excess of the foregoing limitations on any day when the Company reasonably require to pump such excess quantity for the purpose of constructing enlarging deepening extending or repairing any well borehole or adit connected with any such pumping station or for the purpose of keeping down any accidental drowning of the works or on account of repair of works or accident or fire :
- (5) For the purpose of ascertaining the quantity of water pumped by the Company at the said

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three pumping stations the Company shall within six months from the passing of this Act provide at each of those pumping stations and at all time thereafter maintain in an efficient state of repair a Venturi meter or other suitable appliances approved by the council for automatically measuring or otherwise ascertaining and recording the quantity of water so pumped and such meters and appliances shall at all reasonable hours in the day time be open to the inspection of any person duly authorised by the council on his giving reasonable previous notice to the Company of his intended inspection. The Company shall keep at their principal office records of the water so pumped as aforesaid and such records shall at all times be open to the inspection and examination of a person duly authorised by the council and the Company shall permit such person to take for the use of the council copies of or extracts from any such records :

- (6) If the aggregate quantity of water pumped by the Company at the said three pumping stations on any day shall without the consent of the council be in excess of the maximum quantity for such day prescribed by this section the Company shall be liable on summary conviction to a penalty not exceeding ten pounds for every day on which they have pumped water in excess of such prescribed maximum quantity but without prejudice to any other right or remedy of the council :
- (7) If it shall be proved that the pumping by the Company at the said three pumping stations or any of them has caused any diminution of the supply of water in any well now or hereafter belonging to the council and used for the supply of water to the Hill End Mental Hospital of the council or of the supply of water in any well now or hereafter belonging to the council and used for the supply of water to the institution for mental defectives which the council are proposing to erect at Hixberry then unless the Company reduce their pumping

at their said pumping stations or any of them by such an amount as will prevent the continuance of such diminution the council may obtain from the St. Albans Waterworks Company for the said institutions or either of them a supply of water equal to the amount of such diminution on terms which are reasonable having regard to all circumstances and the Company shall from time to time when so required by the council pay to the council a sum equal to the amount (if any) by which the total cost to the council of obtaining the full supply needed for the said institutions exceeds the amount of what would have been the total cost to the council of obtaining such full supply if such diminution had not occurred:

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- (8) If the St. Albans Waterworks Company are unwilling or unable to supply water to the council for the said institutions or either of them on terms which are reasonable having regard to all circumstances the Company shall afford to the council a supply of water equal to the amount of any diminution (so proved to have been caused as aforesaid) of the supply of water from any such well of the council as is referred to in subsection (7) hereof and at such cost or rate as that the total cost to the council of obtaining the full supply needed for the said institutions shall be the amount which would have been the total cost to the council of obtaining such full supply if such diminution had not occurred:
- (9) The Company shall not be liable in respect of any claim made by the council under subsections (7) or (8) of this section if the council shall have failed to afford to the Company or their officers servants or other representatives at all reasonable times after the passing of this Act access to the well in respect of which the claim is made and facilities for ascertaining particulars thereof and the level of the water therein:
- (10) For the purpose of affording a supply of water under this section the Company may within

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so much of the parish of Saint Peter Rural in the rural district of St. Albans as is outside the water limits supply water and exercise all or any of the powers of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes as though the said portion of parish were within the water limits :

- (11) Any question arising between the Company and the council under this section and any question arising between the Company and the council and the St. Albans Waterworks Company or either of them as to whether the terms on which the council can obtain a supply of water from the St. Albans Waterworks Company are reasonable having regard to all circumstances shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of any party after notice in writing to the other or others of them by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Charges for
hose pipes
and refri-
gerating
apparatus.

13.—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may (if a hose pipe or other similar apparatus is used) charge such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first Any sums chargeable under this subsection shall be payable quarterly in advance and be in addition to the rates for the time being authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(2) Where water supplied by the Company to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose pipe or other similar apparatus for

horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Company may if they think fit require that all water so used by means of any such hose pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

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(3) Where a person who takes a supply of water from the Company for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Company may if they think fit require that all water used for or in connection with the said apparatus shall be taken by meter on the conditions and at the rates for the time being in force for the supply of water by the Company by meter or be paid for on such other terms as may be agreed between such person and the Company.

14. If a meter used by a consumer of water is proved to register erroneously the erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Company shall be paid by or to the Company to or by the consumer (as the case may be) and shall be recoverable in the like manner as charges for water supplied by meter are recoverable by the Company.

Period of
error in
defective
meters.

15. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Company may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Company in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

Extension
of power
to inspect
premises.

16. Any cistern which any person supplied with water by the Company may be required to provide under section 54 of the Waterworks Clauses Act 1847 as applied to the whole of the water limits by section 20

Capacity of
cisterns.

A.D. 1928. of the Act of 1904 shall be of a capacity sufficient to hold twenty-four hours' supply of water for the premises so supplied. Provided that this section shall not apply to a water tank provided by a railway company in connection with a supply of water for locomotive purposes.

Provision
of valve
where high-
pressure
air or
other gas
is used.

17.—(1) Every consumer of gas supplied by the Company who uses for or in connection with the consumption of such gas air at high pressure or any gas not supplied by the Company (in this section referred to as "high-pressure air or other gas") shall if required to do so by the Company provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such high-pressure air or other gas into the service pipe or any main through which gas is supplied by the Company and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any consumer at any time after the passing of this Act to commence to use high-pressure air or other gas unless and until he shall have given to the Company not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every consumer who at the date of the receipt by him of any such demand note as is referred to in paragraph (a) of subsection (5) of this section is using high-pressure air or other gas shall within one month after that date give to the Company notice in writing of such use and if within one month after the giving of such notice the Company require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air or other gas unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Company or any obligation under this section the Company may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Company shall give notice of the effect of the foregoing provisions of this section— A.D. 1928.

(a) (In the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Company) on the demand notes for gas charges payable to the Company issued next after that date; and

(b) (In the case of any person becoming after that date a consumer of gas supplied by the Company) on the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Company shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air or other gas is used or the Company have reason to believe that high-pressure air or other gas is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Company shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Company if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

18.—(1) The directors may if they think fit establish and maintain a fund to be called “ the pensions fund ” and pay out of the pensions fund gratuities of any sum or pensions or other allowances or benefits to any employees of the Company who may be contributors to the fund or to the widow family or dependants of any such employees and the pensions fund shall be applicable only for the payment of such gratuities pensions allowances and benefits as aforesaid and for no other purpose whatsoever. Contributory pensions fund.

(2) The directors may also prepare put in force and from time to time modify alter or rescind a scheme prescribing the terms and conditions on which the employees of the Company or any classes of such employees may become contributors to the pensions fund

A.D. 1928. and the contributions to be made by such employees and the gratuities pensions allowances or benefits to which such contributors shall be entitled.

(3) The directors may apply the revenues of the Company for all or any of the purposes of this section including the purpose of maintaining the pensions fund at an adequate amount.

(4) The powers conferred on the directors by this section shall be in addition to the powers conferred by section 86 (Power to make superannuation and other allowances) of the Act of 1926.

(5) In this section the word "employees" includes all officers servants workmen and other employees of the Company.

Application
of funds.

19. The Company may apply to any of the purposes of this Act being purposes to which capital is properly applicable any moneys which they have raised under or are authorised to raise by the Barnet District Gas and Water Acts 1872 to 1926.

Costs of
Act.

20. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be paid by the Company as part of their expenses on revenue account to the extent of not exceeding one-third part of such costs charges and expenses in any one year.

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