

[21 & 22 GEO. 5.] *Public Works* [Ch. Ixix.]
Facilities Scheme (Chepping Wycombe Corporation)
Confirmation Act, 1931.



CHAPTER Ixix.

An Act to confirm a Scheme made by the Minister of Health under the Public Works Facilities Act 1930 and relating to the Chepping Wycombe Corporation. A.D. 1931.
—
[31st July 1931.]

WHEREAS under the provisions of the Public Works Facilities Act 1930 the Minister of Health has made a Scheme which needs confirmation by Parliament: 20 & 21
Geo. 5. c. 50.

Be it therefore 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:—

1. The Scheme of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Scheme in schedule confirmed.

2. This Act may be cited as the Public Works Facilities Scheme (Chepping Wycombe Corporation) Confirmation Act 1931. Short title.

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SCHEDULE.

CHEPPING WYCOMBE CORPORATION.

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*Scheme under the Public Works Facilities Act 1930
empowering the mayor aldermen and burgesses of
the borough of Chepping Wycombe to construct water-
works and for other purposes.*

WHEREAS the Corporation are desirous of providing constructing and carrying out the works authorised by this Scheme;

And whereas the powers contained in this Scheme are required by the Corporation for the purpose of enabling them to execute such works or are incidental or consequential provisions necessary for giving full effect to the Scheme;

And whereas the Minister of Health is satisfied—

- (a) that such works will materially contribute to the relief of unemployment; and
- (b) that the relief of unemployment will be materially expedited by reason of the powers being conferred by this Scheme instead of by a local Act; and
- (c) that the powers conferred by this Scheme are such as are customarily conferred on local authorities by local Acts; and
- (d) that the powers so conferred will not enable the Corporation to undertake functions of a different nature from those already within their statutory powers:

Now therefore the Minister of Health in pursuance of the powers given to him by section 1 of the Public Works Facilities Act 1930 and of all other powers enabling him in that behalf hereby makes the following Scheme:—

Short title
and com-
mencement.

1.—(1) This Scheme may be cited as the Chepping Wycombe Corporation (Waterworks) Scheme 1931.

(2) This Scheme shall come into force upon the date upon which the Act which confirms this Scheme is passed and that date is in this Scheme referred to as “the commencement of this Scheme.”

Incorpora-
tion of Acts.

2.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent

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with the provisions of this Scheme) are hereby incorporated with this Scheme (namely) :—

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(i) The Lands Clauses Acts with the following exception and modification :—

(a) Sections 92 and 127 to 132 inclusive of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Scheme;

(b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(ii) The Waterworks Clauses Act 1847 except—

(a) 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;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipts and expenditure of the undertakers);

(iii) The Waterworks Clauses Act 1863; and

(iv) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Scheme “the railway” means the waterworks authorised by this Scheme and “the centre of the railway” means in the case of any of the reservoirs authorised by this Scheme the boundaries of such reservoir and in the case of the other waterworks the centre of such waterworks respectively.

(2) For the purposes of such incorporation the expression “special Act” in the said Acts shall mean this Scheme and the expression “the Company” shall mean the Corporation as hereinafter defined.

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

Interpreta-
tion.

(2) In this Scheme unless the subject or context otherwise requires—

“The Corporation” means the mayor aldermen and burgesses of the borough of Chepping Wycombe;

“The borough” means the borough of Chepping Wycombe;

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“The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited with the clerk of the county council of the administrative county of Buckingham in respect of this Scheme;

“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“The Minister” means the Minister of Health;

“The Act of 1927” means the Chepping Wycombe Corporation Act 1927;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“Revenues of the Corporation” has the meaning assigned to it by section 4 (Interpretation of terms) of the Act of 1927.

Power to
make water-
works.

4.—(1) Subject to the provisions of this Scheme the Corporation may make and maintain and from time to time alter renew and reconstruct in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described which will be situate in the borough except where otherwise stated (that is to say) :—

Work No. 1 A well and pumping station to be situate at the Pann Mill pumping station of the Corporation;

Work No. 2 A pumping main conduit or line or lines of pipes commencing at the said well and pumping station (Work No. 1) and terminating at or in Work No. 3 next hereinafter described;

Work No. 3 A service reservoir in one or more compartments to be situate in that part of the borough which is known as “the Bowerdean Estate”;

Work No. 4 (Partly in the borough and partly in the parish of West Wycombe) A pumping main conduit or line or lines of pipes commencing at the said well and pumping station (Work No. 1) hereinbefore described and terminating at or in Work No. 5 next hereinafter described;

Work No. 5 (In the parish of West Wycombe) A service reservoir in one or more compartments to be situate at Widdenton Park Wood.

(2) The Corporation may subject to the provisions of this Scheme upon any lands delineated upon the deposited plans and acquired by them for the purposes of or in connection with their water undertaking under the provisions of this Scheme make

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and maintain and from time to time alter renew and reconstruct all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Scheme or for inspecting maintaining repairing cleansing managing working or using the same :

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Provided that—

- (a) nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them ;
- (b) any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General.

5. In the construction of the waterworks authorised by this Scheme the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent not exceeding six feet either upwards or downwards.

Limits of
 deviation for
 waterworks.

6. Subject to the provisions of this Scheme the Corporation may collect impound take use divert and appropriate for the purposes of their waterworks all such underground springs and water as will or may be intercepted by the works authorised by this Scheme.

Power to
 take waters.

7.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any waterwork of the Corporation authorised by this Scheme the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch Provided that any water so discharged shall be as free as may be reasonably practicable from mud or silt or offensive matter and from matter injurious to fish or spawn or spawning beds or food of fish.

Discharge of
 water into
 streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

8. Subject to the provisions of this Scheme the waterworks to be constructed under the authority of this Scheme shall for all purposes be deemed part of the water undertaking of the Corporation.

Works to
 form part of
 water under-
 taking.

9. Subject to the provisions of this Scheme the Corporation may (in so far as they are not already possessed of the same)

Power to
 take lands.

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Period for
compulsory
purchase of
lands.

enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for and in connection with the construction of the waterworks authorised by this Scheme.

10. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Scheme shall cease after the expiration of three years from the commencement of this Scheme.

Extinction
of private
rights of
way.

11.—(1) All private rights of way over any lands which the Corporation are authorised by this Scheme to acquire compulsorily shall as from the date of such acquisition be extinguished.

(2) Provided that the Corporation shall make compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Acquisition
of ease-
ments.

12.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Scheme where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall be subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Scheme had not passed.

(3) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

(4) Nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of such easement or right only and every notice to treat for the acquisition of such an easement or right shall either contain or be endorsed with notice of this provision.

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13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Scheme grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Scheme in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Persons under disability may grant easements &c.

14. In lieu of section 92 of the Lands Clauses Consolidation Act 1845 the following provisions shall have effect:—

Modification of section 92 of Lands Clauses Consolidation Act 1845.

“No person shall be required to sell a part only of any house building or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building manufactory park or garden unless the arbitrator determines that in the case of a house building or manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if he so determines he may award compensation in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell that part of the house building manufactory park or garden.”

15. For the purpose of determining any question of disputed compensation payable in respect of land taken under the powers of this Scheme the tribunal to whom that question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twelfth day of December nineteen hundred and thirty if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Scheme.

Compensation in case of recently acquired interest.

16.—(1) Notwithstanding anything in any Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and

Retention and disposal of lands.

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conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Scheme and may sell lease exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister be necessary or has been obtained.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Scheme had not been made.

Reservation
of water
rights &c. on
sale.

17. The Corporation on selling any lands acquired by them under this Scheme and not required for the purposes thereof or for other the purposes of the water undertaking of the Corporation may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of
sale of sur-
plus lands.

18.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Scheme or under the authority of the Act of 1927 as amended by this Scheme they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Scheme in the purchase of lands so remaining

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to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Scheme or under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Scheme or any Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister.

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(2) Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Scheme for the purpose of such purchase;
- (b) the borrowing powers conferred by this Scheme for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

19.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of that table and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Scheme and of any enactment incorporated therewith or applied thereto shall respectively be “the prescribed period”) mentioned in the third column of the said table (namely):—

Power to borrow.

1	2	3
Purpose.	Amount.	Period.
(a) The construction of the waterworks authorised by this scheme.	£ 80,000	Thirty years from the date or dates of borrowing.
(b) The purchase of land and easements	1,000	Sixty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Scheme.	The sum requisite.	Five years from the commencement of this Scheme.

(2) (a) The Corporation may also with the consent of the Minister borrow such further money as may be necessary for any of the purposes of this Scheme.

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(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Scheme and the enactments incorporated therewith or applied thereby.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

(3) The exercise of the powers of this section shall be deemed to be the exercise by the Corporation of a statutory borrowing power within the meaning of the Act of 1927.

Application
of sections
of Act of
1927.

20. The following sections of the Act of 1927 shall with any necessary alterations or modifications and subject to the provisions of this Scheme extend and apply for the purposes of this Scheme as if the same were re-enacted in this Scheme (namely) :—

- Section 134 Mode of raising money ;
- Section 135 Provisions of Public Health Act 1875 as to mortgages to apply ;
- Section 136 Mode of payment off of money borrowed ;
- Section 141 Investment of and payments into sinking fund ;
- Section 143 Application of money borrowed ;
- Section 148 Expenses of execution of Act ;
- Section 150 Appointment of receiver ;
- Section 180 Application of section 265 of Public Health Act 1875 ;
- Section 182 Inquiries by Minister.

Application
of provisions
of Telegraph
Act 1878.

21. When confirmed by Parliament this Scheme shall for the purposes of the Telegraph Act 1878 be deemed to be an Order confirmed by Act of Parliament.

Costs of
Scheme.

22. All the costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and confirming this Scheme and otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of their water undertaking or out of the moneys to be borrowed under this Scheme for that purpose.

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