

[1 & 2 GEO. 6.]

*West Surrey Water
Act, 1938.*

[Ch. xxix.]



CHAPTER xxix.

An Act to authorise the West Surrey Water Company to take additional water from the river Thames and for other purposes. A.D. 1938.

[2nd June 1938.]

WHEREAS the West Surrey Water Company (in this Act called "the Company") were incorporated by the West Surrey Water Act 1869 and by the West Surrey Water Acts and Orders 1869 to 1928 are empowered to supply water within the limits in the counties of Middlesex and Surrey thereby prescribed: 32 & 33 Vict. c. cxii.

And whereas the Company derive their supplies of water wholly from the river Thames:

And whereas by the said Act of 1869 as amended by the West Surrey Water Act 1888 the quantity of water which the Company may take from the said river is limited to an amount not exceeding three million gallons in any one day of twenty-four hours: 51 & 52 Vict. c. civ.

And whereas the demand for water within the limits of supply of the Company has increased and is increasing and for enabling the Company to meet such demand it is expedient that the Company should be empowered to take from the river Thames such additional quantity of water as is in this Act prescribed:

And whereas 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 King's most

A.D. 1938. — 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 (that is to say):—

Short and collective titles.

1.—(1) This Act may be cited as the West Surrey Water Act 1938.

21 & 22 Geo. 5. c. xxii.

(2) The West Surrey Water Acts and Orders 1869 to 1928 the Public Works Facilities Scheme (West Surrey Water) Confirmation Act 1931 and this Act may be cited together as the West Surrey Water Acts and Orders 1869 to 1938.

Incorporation of Acts. 10 & 11 Vict. c. 17. 26 & 27 Vict. c. 93.

2. The Waterworks Clauses Acts 1847 and 1863 (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 of the first mentioned Act) so far as the same are applicable for the purposes of this Act and are not inconsistent with the provisions of the West Surrey Water Acts and Orders 1869 to 1938 are hereby incorporated with this Act.

Interpretation.

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

“the Company” means the West Surrey Water Company;

“the Act of 1869” and “the Act of 1888” mean respectively the West Surrey Water Act 1869 and the West Surrey Water Act 1888;

“the limits of supply” means the limits for the time being of the Company for the supply of water;

“the conservators” means the conservators of the river Thames;

“day” means a day of twenty-four hours calculated from midnight to midnight.

4. Notwithstanding the provisions of section 48 (Limiting quantity of water to be taken from the river Thames) of the Act of 1869 and of section 11 (Limiting quantity of water to be taken from the river Thames) of the Act of 1888 the Company may as from the first day of January one thousand nine hundred and thirty-nine by means of their existing intakes abstract from the river Thames (in addition to the quantity of water limited by the above mentioned Acts) any quantity of water not exceeding in any one day one million gallons :

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—
Power to
take
additional
water from
river
Thames.

Provided that unless otherwise agreed in writing between the conservators and the Metropolitan Water Board on the one hand and the Company on the other hand the powers conferred upon the Company by this section may be exercised only so long as the public sewage from the districts within that part of the limits of supply of the Company which lies to the south of the river Thames shall continue to drain or flow after purification into the river Thames above the weir at Teddington or into any tributary of that river forming a confluence therewith above that weir.

5.—(1) As from the first day of January one thousand nine hundred and thirty-nine the Company shall on the thirtieth day of June and the thirty-first day of December in every year pay to the conservators for water taken by the Company from the Thames the sums following (that is to say) :—

Payments
by
Company
to con-
servators.

If the water so taken during the half-year ending on the said thirtieth day of June or the thirty-first day of December shall not exceed a quantity averaging two million five hundred thousand gallons per day the sum of seven hundred and fifty pounds ;

If the water so taken during any such half-year shall exceed a quantity averaging two million five hundred thousand gallons per day but not exceed a quantity averaging three million gallons per day the sum of one thousand pounds ;

and so on with the addition of two hundred and fifty pounds for every additional average daily quantity of five hundred thousand gallons or part thereof taken as aforesaid during such half-year.

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(2) The provisions of section 178 (Payments by South West Suburban Company and West Surrey Company to be first charge on their receipts) and section 179 (Payments by South West Suburban Company and West Surrey Company to be without deduction and free from taxes &c.) of the Thames Conservancy Act 1932 so far as they relate to the Company shall extend and apply to the payments to be made by the Company to the conservators under this section.

(3) The payments to be made by the Company to the conservators under this section shall not be subject to revision under section 186 (Revision of payments contributions maximum tolls &c.) of the Thames Conservancy Act 1932 and the said section 186 shall be read and construed as if the Company had not been referred to therein.

Repeal.

6.—(1) The following provisions of the Act of 1869 are hereby repealed (that is to say):—

Section 47 (Company to pay compensation to conservators of river Thames);

Section 49 (Conservators to have access to the works of the Company);

Section 50 (Provision for estimating the supply of water to the Company).

(2) As from the first day of January one thousand nine hundred and thirty-nine section 177 (Payments by West Surrey Company) of the Thames Conservancy Act 1932 shall be and the same is hereby repealed but without prejudice to the payment and recovery of any sums at that date due and payable by the Company under that section.

Costs of
Act.

7. All costs charges and expenses preliminary to and of and incident to the preparing applying 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 defrayed out of revenue.

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