



# Water Supplies (Exceptional Shortage Orders) Act 1934

## 1934 CHAPTER 20

### **3 Power to authorise the taking of water for an indefinite period and the purchase of land**

- (1) Where an order is made for the purpose of authorising under paragraph (a) of subsection (1) of section one of this Act the taking of water from any specified source and the Minister is satisfied that the purposes of the order cannot be attained without the execution of works of a permanent character, and also that the construction of such works can be completed within a period of six months after their commencement and that having regard to all relevant matters (including the interests of persons who may sustain damage by reason of the taking of water under the authority of the order) the powers to be conferred on the undertakers under this section are such as might properly have been conferred on them, if apart from any exceptional shortage of rain the taking of water from a new source had become necessary for the purposes of the undertaking, the order may authorise the undertakers to take water from that source for an indefinite period and to purchase, either compulsorily or by agreement, any specified land which, in the opinion of the Minister, is required for the purposes of the order.
- (2) An order under this section may authorise undertakers on whom it confers any power or imposes any duty to execute any works required for the discharge of their functions thereunder.
- (3) An order under this section which confers a power to take water from any source, or to purchase any land, whether compulsorily or by agreement, shall incorporate, with the necessary adaptations, the provisions of the Waterworks Clauses Act, 1847, with respect to the construction of the waterworks, or of the Lands Clauses Acts, as the case may require, and may incorporate, with the necessary adaptations, other provisions of the Waterworks Clauses Acts, 1847 and 1863.
- (5) In construing, for the purposes of this Act or of an order under this section, any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the undertakers shall be deemed to be the promoters of the undertaking, and the word " land " shall have the meaning assigned to it in this Act and the word " stream " shall be deemed to include canals, reservoirs, lakes and ponds.

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*Status: This is the original version (as it was originally enacted).*

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- (6) As regards any land in respect of which undertakers have acquired under an order under this section an easement or other right for the execution of works intended to be constructed underground, the undertakers shall not be required or entitled to fence off or sever the land from the adjoining land, but the owners or occupiers for the time being shall, subject to that easement or right, have the same rights to use and cultivate the land at all times as if the order had not been made, and every notice to treat for the acquisition of such an easement or right as aforesaid shall either contain or be endorsed with notice of this provision.
- (7) Where undertakers are authorised by an order under this section to purchase land compulsorily, then, at any time after notice to treat has been served, the undertakers may, after giving to the owner and occupier of the land not less than seven days' notice in writing, enter on and take possession of the land, or such part thereof as is specified in the notice, without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.
- (8) The provisions of subsection (5) of section one of this Act shall not apply to an order in so far as it is made under this section, and the expiration of this Act shall not affect the operation of an order in so far as it is so made.