
STATUTORY INSTRUMENTS

1974 No. 700

WATER SUPPLY, ENGLAND AND WALES

**The South West Worcestershire Water Board
(River Teme) Order 1974**

Made - - - - - 27th March 1974

Coming into Operation 25th April 1974

The Secretary of State for the Environment, in exercise of the powers conferred by section 23 of the Water Act 1945(a), as extended by section 3 of the Water Act 1948(b), and section 33(2) of the Compulsory Purchase Act 1965(c), and now vested in him(d), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the South West Worcestershire Water Board (River Teme) Order 1974. Citation.

(2) The South West Worcestershire Water Board Orders 1968 to 1972 and this order may be cited together as the South West Worcestershire Water Board Orders 1968 to 1974.

2.—(1) In this order—

“the Act of 1965” means the Compulsory Purchase Act 1965;

“the Board” means the South West Worcestershire Water Board;

“the deposited plan” means the plan prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked “Plan referred to in the South West Worcestershire Water Board (River Teme) Order 1974”, one copy of which is deposited and available for inspection at the offices of the Board, and the other at the offices of the Secretary of State for the Environment;

“the Third Schedule” means the Third Schedule to the Water Act 1945;

“the undertaking” means the undertaking of the Board as for the time being authorised by any enactment.

(2) Unless the context otherwise requires any reference in this order—

(a) 1945 c.42.

(b) 1948 c. 22.

(c) 1965 c. 56.

(d) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).

Inter-
pretation.

[DOE 15924]

- (a) to an enactment shall be construed as a reference to that enactment as extended or amended by any subsequent enactment, including this order;
- (b) to a work identified by its number shall be construed as a reference to the work of that number authorised by this order.

Application of certain provisions of the Third Schedule.

3. For the purposes of this order the provisions of the Third Schedule specified in column (1) of the Schedule to this order shall, subject to the modifications set out in column (2) thereof, apply to the undertaking and, subject as aforesaid, are hereby incorporated with this order.

Application of enactments concerning compulsory purchase.

4. In its application in relation to this order, Part I of the Act of 1965 shall have effect subject to the following exception and modification—

- (a) section 27 (Acquiring authority to make good deficiencies in rates) shall be omitted; and
- (b) subsection (2) of section 11 (Power of entry) shall have effect as if at the end of the first paragraph thereof there were inserted the words “(other than paragraph 3(3) thereof)”.

Power to acquire land.

5. The Board may purchase compulsorily for the purpose of the construction of the works authorised by this order all or any of the land within the limits of land to be acquired delineated on the deposited plan.

Power to construct works.

6. Subject to the provisions of this order the Board may construct and maintain, in the lines and situations shown upon the deposited plan, and upon or under the lands delineated on the said plan, the following works in the parish of Powick in the rural district of Upton-upon-Severn in the county of Worcester—

- Work No. 1. A weir, sluice and fishpass on the river Teme being a reconstruction of Powick Weir;
- Work No. 2. An intake and pumping station on the right bank of the river Teme above the site of Powick Weir;
- Work No. 3. A storage lake, sludge lagoons, treatment works and pumping station in the enclosures numbered 728-731, 737, 755 and 758 on the 1/2500 ordnance sheet (1940 edition).

Alteration and maintenance of weir and sluice.

7.—(1) The Board may alter and maintain the weir and sluice (part of Work No. 1) in such manner as will enable them to abstract water by means of the intake (Work No. 2) in accordance with any licence granted to the Board under the Water Resources Act 1963(a).

(2) Nothing in this section, or section 6 shall relieve the Board of the obligation to comply with the requirements of any byelaws made under the

Land Drainage Acts 1930 and 1961(a) or the Salmon and Freshwater Fisheries Acts 1923 and 1972(b), so far as applicable.

8. The works authorised by this order and all land acquired for the purposes thereof shall for all purposes form part of the undertaking.

Works to form part of undertaking.

9.—(1) In this section—

Common rights.

“the common land” means the lands comprising 13·8 acres or thereabouts, delineated on the deposited plan and thereon coloured dark green;

“the exchange land” means the land vested in the Board, comprising 15 acres or thereabouts, delineated on the deposited plan and thereon coloured yellow.

(2) As from the date upon which the common land is vested in the Board the exchange land shall vest in the persons in whom the common land was vested immediately before that date, subject to the like rights, trusts and incidents as attached thereto, and the common land shall thereupon be discharged from all rights, trusts and incidents to which it was previously subject.

10.—(1) Subject to the provisions of this section the Board may stop up the footpaths in the parish of Powick shown by blue lines on the deposited plan, and thereupon all public rights of way over the said footpath shall be extinguished and the Board may appropriate and use for the purposes of this order the site and soil thereof:

Stopping up of footpaths.

Provided that—

- (i) no part of such footpath shall be stopped up until the Board are the owners of the land on both sides thereof, except so far as the owners, lessees and occupiers of those lands may otherwise agree;
- (ii) the Board shall not stop up any part of such footpaths until they shall have provided and dedicated to the public use the substituted footpath shown by a red line on the deposited plan.

(2) The footpath provided in substitution, pursuant to proviso (ii) to the foregoing subsection, shall be repairable by the highway or other authority by whom the footpaths stopped up under the powers of this section were maintainable before their stopping up, and shall be subject to the same rights of way as were exercisable over those footpaths before their stopping up.

11. For the protection of the Central Electricity Generating Board and the Midlands Electricity Board, the following provisions shall unless in any case it is otherwise agreed between the Board and the undertaker concerned, apply and have effect:—

For protection of electricity undertakers.

(a) 1930 c. 44; 1961 c. 48.

(b) 1923 c. 16; 1972 c. 37.

(1) In this section—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means any electric line or works (as respectively defined in the Electric Lighting Act 1882(a)) belonging to or maintained by the undertakers, and includes any works constructed for the lodging therein of apparatus;

“the undertakers” means the Central Electricity Generating Board or, as the case may be, the Midlands Electricity Board.

(2) The Board shall not for the purposes of exercising the powers of this order seek to remove any apparatus or to extinguish any right of the undertakers to use, maintain, repair, renew or inspect any apparatus until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers.

(3) If the Board for the purpose of exercising the powers of this order require the removal of any apparatus and give to the undertakers notice in writing of their requirement, or if in consequence of the exercise of the powers of this order the undertakers shall require to remove any apparatus, the Board shall afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in other lands of the Board and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the Board are unable to afford facilities and rights as aforesaid the undertakers shall on receipt of a written notice to that effect from the Board forthwith use their best endeavours to obtain the necessary facilities and rights over other lands.

(4) The Board shall pay to the undertakers the amount by which the costs, charges and expenses reasonably incurred by the undertakers in connection with any removal or alteration of apparatus or the construction of any new apparatus that may be required in consequence of the exercise of the powers of this order shall exceed the value (such value being calculated after removal) of any apparatus removed in consequence of alternative apparatus being provided and shall also make compensation to the undertakers for any damage caused to apparatus in consequence of the exercise of the said powers.

(5) Any difference which may arise between the Board and the undertakers under this section shall be determined by a single arbitrator to be appointed by agreement between the Board and the undertakers or, in default of agreement, to be appointed on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers.

(a) 1882 c. 56.

SCHEDULE
PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Part II (Works and Lands) except section 3	In section 2 for the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plan". In section 4 the words from the beginning of the section to the words "abstract water" shall be omitted; for the words "in connection with their water undertaking" there shall be substituted the words "for the purposes of the special Act"; after the word "buildings" there shall be inserted the words "cables roads, means of access, bridges"; and after the words "supply of water" there shall be inserted the words "and works for the disposal of sludge resulting from the operation of the authorised works".
Part IV (Minerals Underlying Water-works)	In section 12 for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them" there shall be substituted the words "all such pipes or other conduits or underground works"; and the words "for the time being belonging to them" shall be omitted.
Section 70 (Meters etc. to measure water or detect waste)	After the words "the undertakers may" there shall be inserted the words "in connection with the authorised works".
Part XIV (Pollution of water by manufacture & c. of gas)	—
Section 92 (Liability of undertakers to pay compensation)	—
Section 93 (Protection for works of navigation authorities and for catchment boards and railways)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	—

J. E. Beddoe,

Signed by authority of the
Secretary of State.
27th March 1974.

An Under Secretary in the
Department of the Environment.

Printed in England by McCorquodale Printers Ltd., and published by Her Majesty's Stationery Office

150/P11454/4 H 34 K9 5/74

9p net

ISBN 0 11 040700 8