



CHAPTER lxxiv.

An Act to confirm a Provisional Order of the Minister of Health relating to the South Oxfordshire Water and Gas Company. A.D. 1935.

[2nd August 1935.]

WHEREAS under the provisions of the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 the Minister of Health has made a provisional order which needs confirmation by Parliament :

33 & 34 Vict.
c. 70.
36 & 37 Vict.
c. 89.

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 order 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. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (South Oxfordshire Water) Act 1935. Short title.

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SCHEDULE.

SOUTH OXFORDSHIRE WATER.

*South
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Provisional order under the Gas and Water Works Facilities Act 1870 and the Gas and Water Works Facilities Act 1870 Amendment Act 1873 empowering the South Oxfordshire Water and Gas Company to maintain and continue existing waterworks to extend the limits of supply of the Company and for other purposes.

THE MINISTER OF HEALTH in pursuance of the powers given to him by the Gas and Water Works Facilities Act 1870 the Gas and Water Works Facilities Act 1870 Amendment Act 1873 and of all other powers enabling him in that behalf hereby orders as follows :—

PART I.

PRELIMINARY.

Short and
collective
titles.

1.—(1) This order may be cited as the South Oxfordshire Water Order 1935.

(2) The South Oxfordshire Water and Gas Acts and Orders 1905 to 1934 and this order may be cited together as the South Oxfordshire Water and Gas Acts and Orders 1905 to 1935.

Commence-
ment of
order.

2. This order shall come into operation upon the date of the passing of the Act of Parliament confirming it.

Incorpora-
tion of Acts.

3.—(1) The following enactments (so far as the same are applicable for the purposes and are not inconsistent with the provisions of the South Oxfordshire Water and Gas Acts and Orders 1905 to 1935) are hereby incorporated with this order (namely) :—

The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking);

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 Waterworks Clauses Act 1847).

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(2) In the construction of the enactments so incorporated with this order the expression "special Act" shall be read as a reference to this order and the expression "Company" shall mean the Undertakers.

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4.—(1) In this order the several words terms and expressions to which by the enactments incorporated with this order or by the Gas and Water Works Facilities Act 1870 meanings are assigned shall unless the context otherwise requires have the same respective meanings.

Interpreta-
 tion.

(2) In this order unless the context otherwise requires—

"the Undertakers" means the South Oxfordshire Water and Gas Company;

"the undertaking" means the water undertaking of the Undertakers as for the time being authorised by any Act or order;

"the commencement of this order" means the date upon which this order comes into operation;

"the limits of supply" means the limits within which the Undertakers are from time to time authorised to supply water;

"the existing limits" means the limits within which the Undertakers were immediately prior to the commencement of this order authorised to supply water;

"the added limits" means the area added by this order to the existing limits;

"the Act of 1905" means the South Oxfordshire Water and Gas Act 1905.

PART II.

LANDS AND WORKS.

5. The purchase by the Undertakers prior to the commencement of this order of the lands described in the schedule to this order is hereby confirmed.

Confirma-
 tion of
 purchase of
 lands.

6.—(1) The Undertakers may in upon or under the lands in upon or under which the same are now respectively situate so long as they are possessed of the said lands or any necessary rights or easements therein maintain and continue the existing waterworks hereinafter described and may from time to time alter enlarge renew and improve the same.

Power to
 maintain &c.
 waterworks.

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The existing waterworks hereinbefore referred to are situate in the parish of Streatley in the rural district of Bradfield and county of Berks and are—

Work No. 1 A pumping station situate in the enclosure numbered 363 in the said parish on the 1/2500 ordnance map Berkshire sheet No. XXVIII.2 (edition of 1912) with wells shafts adits engines pumps works appliances and conveniences used in connection with the said pumping station or subsidiary thereto;

Work No. 2 A service reservoir situate in the south-eastern corner of the enclosure numbered 189 in the said parish on the said sheet of the said ordnance map.

(2) The Undertakers may also maintain continue alter enlarge renew and improve any mains pipes and apparatus already laid down in connection with the before-mentioned works or either of them.

Power to
take water.

7. The Undertakers may pump collect impound take use divert and appropriate for the purposes of the undertaking all such springs streams or waters as may be intercepted by the works by this order authorised to be maintained.

Limiting
powers of
Undertakers
to abstract
water.

8. The Undertakers shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other order or an Act of Parliament.

PART III.

EXTENSION OF LIMITS.

Extension
of limits of
supply.

9.—(1) The limits within which the Undertakers may supply water shall extend to and include in addition to the existing limits the following parishes and parts of parishes :—

In the rural district of Bradfield in the county of Berks—

The parish of Basildon.

So much of the parish of Ashampstead as is not comprised within the new limits mentioned in section 6 of the Bradfield Water Order 1909 as confirmed by the Gas and Water Orders Confirmation Act 1909.

So much of the parish of Pangbourne as was not included within the limits for the supply of water of the Reading Corporation by the Reading Corporation Act 1930 viz. the portion of that parish which lies to the west of an imaginary straight line drawn from the point where the boundary of the parish crosses the

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south-west fence of Hawe's Copse to the point where the footpaths from Croft Shaw and Lower Franklin's Copse intersect at the west side of Bowram's Shaw and to the north-west of an imaginary straight line drawn from the last-named point to the point where the footpath from Bere Court enters Wellfield Grove and to the north of an imaginary straight line drawn from the last-named point to the point where the boundary of the parish crosses the road which runs in a north-easterly direction through Williams Heath Plantation to Pangbourne.

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In the rural district of Wallingford in the county of Berks—

The parish of Moulsoford.

So much of the parish of Cholsey as lies within the following boundary line viz. a line commencing on the south-west side of the main line of the Great Western Railway Company at a point 100 yards north-westwards of the main road between Streatley and Wallingford and drawn thence along the western side of that railway to the boundary of the county of Berks thence along that county boundary to the boundary of the parish of Cholsey thence along that parish boundary to the road known as Halfpenny Lane thence in a due north-westwards direction to a point 100 yards from the north-western side of Halfpenny Lane and thence parallel with and at a distance of 100 yards from Halfpenny Lane and the said road between Streatley and Wallingford to the said point of commencement.

(2) Subject to the provisions of this order the Undertakers shall have and may exercise within the added limits all and the like powers rights privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing limits as if the added limits were within the limits of supply for water defined by the Act of 1905.

(3) As from the commencement of this order the Undertakers may continue maintain and use any water mains pipes and other works (other than works for taking or intercepting water) belonging to or vested in them at the commencement of this order within the added limits as if the same had been laid down or constructed under the powers of this order and the provisions of the South Oxfordshire Water and Gas Acts and Orders 1905 to 1935 and the Acts incorporated therewith shall apply to the said mains pipes and works in all respects as if the same had been laid down or constructed under the authority of this order.

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Power to
district
council &c.
to supply
water in case
Undertakers
fail to sup-
ply.

10.—(1) If after the expiration of five years from the commencement of this order the Undertakers are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this order throughout the added limits the district council of any district in whole or in part within the added limits may provide a supply in accordance with the provisions of the Public Health Act 1875 or any such district council or any company body or person may apply for an Act of Parliament or provisional order for the purpose of supplying water in any part of the added limits not sufficiently supplied by the Undertakers and for the repeal of the powers of the Undertakers in that behalf.

(2) If any difference shall arise between the Undertakers and any such district council company body or person as to the sufficiency of the supply of water in any part of the added limits such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister of Health.

PART IV.

MISCELLANEOUS.

Guarantees
by district
councils.

11.—(1) Any district council whose district is in whole or in part within the limits of supply may give and enter into any guarantee or contract for securing payment to the Undertakers of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Undertakers for the purpose of or with respect to the providing or laying down by the Undertakers of any main pipe or works for the supply of water within any part of such district within the limits of supply.

(2) Subject to the provisions of subsections (4) and (5) of section 190 of the Local Government Act 1933 any expenses incurred by a rural district council in pursuance of this section shall be defrayed as special expenses on the contributory places in respect of which the guarantee or contract is entered into.

(3) Nothing in this section shall be deemed to authorise any district council to use any water supplied by the Undertakers under any such guarantee or contract as aforesaid in any part of the district of such council which is beyond the limits of supply and within the limits for the supply of water of any other company or person supplying water under Parliamentary authority without the consent of such other company or person.

For pro-
tection of
Berks
county
council.

12. For the protection of the county council of the administrative county of Berks (in this section referred to as "the council") the following provisions shall notwithstanding anything in this order contained and unless otherwise agreed in writing

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between the council and the Undertakers apply and have effect with respect to any works to be executed in connection with the undertaking in exercise of any powers of the Undertakers under the South Oxfordshire Water and Gas Acts and Orders 1905 to 1935 in or affecting any county road or bridge (that is to say) :—

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- (1) In this section unless the context otherwise requires “county road” means a county road in the administrative county of Berks and “bridge” means a bridge vested in or repairable by the council and includes the roadways and footways (if any) over such bridge and the approaches thereto :
- (2) All mains conduits pipes works or apparatus (all of which are in this section referred to as “apparatus”) to be laid in or along any county road or in upon or across any bridge shall be laid in such position in or at the side thereof and at such depth as the council shall in writing under the hand of their surveyor (in this section referred to as “the county surveyor”) reasonably direct Provided that this subsection shall not apply to replacements of existing apparatus :
- (3) (a) All apparatus to be constructed or laid in along upon or across or in any way affecting any county road or bridge shall be executed at the expense of the Undertakers under the superintendence (if given) and to the reasonable satisfaction of the county surveyor and (except in the case of service pipes and in case of emergency) in accordance with plans sections and specifications to be submitted to and reasonably approved by him in writing before the commencement of the proposed works and seven days’ notice shall be given to the county surveyor of the intention to lay any service pipes in any county road except in cases of emergency when notice as aforesaid shall be given to the county surveyor as soon as possible after the beginning of the work or after the necessity for the work shall have arisen Provided that if the county surveyor shall not within twenty-one days after the said plans sections and specifications shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof ;
(b) The provisions of this paragraph shall be in lieu of the provisions of sections 30 and 31 of the Waterworks Clauses Act 1847 so far as the last-mentioned provisions would apply with respect to the exercise by the Undertakers of the said powers in relation to any county road or bridge :

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- (4) It shall not be lawful for the Undertakers to interfere with the structure of any bridge without the consent in writing of the county surveyor which consent shall not be unreasonably withheld :
- (5) Nothing in this order shall limit or affect the right of the council at any time to alter the level of deviate widen reconstruct or improve any county road in or along which any apparatus shall have been laid or placed and the Undertakers shall with all reasonable dispatch on receiving not less than one month's notice in writing under the hand of the county surveyor so to do alter the position of any apparatus in the manner and to the extent prescribed by such notice or as in case of difference shall be determined in the manner hereinafter prescribed and the council shall repay to the Undertakers the expenses reasonably incurred by the Undertakers in effecting any such alteration of the position of any such apparatus Provided that during the alteration deviation widening reconstruction or improvement of such road as aforesaid the council shall afford all reasonable facilities to enable the Undertakers temporarily to carry their apparatus along the road so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such apparatus :
- (6) Nothing in this order shall in any way limit or affect the powers of the council at any time to remove alter rebuild widen or repair any bridge in or over or attached to which any apparatus of the Undertakers is carried in the same manner as if this order had not been made and the said apparatus had not been laid or placed in or over or attached to such bridge and the Council shall not be liable to pay any compensation to the Undertakers for any expense or loss to which the Undertakers may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge being removed altered rebuilt widened or repaired as aforesaid the Undertakers shall with all reasonable dispatch on receiving not less than one month's notice in writing under the hand of the county surveyor at their own cost in all things alter the position of any apparatus of the Undertakers carried in or over or attached to such bridge in such manner and to such extent as the council may reasonably require Provided that during the removal alteration rebuilding widening or reparation of such bridge as aforesaid the council shall afford all reasonable facilities to enable the Undertakers temporarily to carry such apparatus across

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any river stream or brook so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such apparatus :

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- (7) All works of the Undertakers shall be so executed as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any county road or over any bridge and all such works shall be proceeded with and completed with all possible dispatch after the commencement thereof respectively and no greater consecutive length than one hundred yards of any county road shall without the consent of the county surveyor (which shall not be unreasonably withheld) be broken up at any one time :
- (8) On completion of the work the county road or the bridge (so far as respects the roadway and footway (if any) over the same or any approach thereto) shall be forthwith reinstated by the Undertakers to the reasonable satisfaction of the county surveyor and the Undertakers shall (notwithstanding anything contained in the Waterworks Clauses Act 1847) in lieu of keeping such county road or bridge (so far as affects the roadway and footway (if any) over the same or any approach thereto) in repair as provided by section 32 of that Act repay to the council all reasonable expenses of and incidental to the maintenance and repair thereof (except such expenses as shall result from any negligence on the part of the council in connection with the maintenance and repair) for the period prescribed by the said section but if any difference arises with regard thereto the same shall be settled by arbitration in the manner hereinafter prescribed :
- (9) Where for the purposes of the Undertaking stopcocks valves hydrants boxes or other like apparatus shall be placed in the surface of the carriageway of any county road and the council shall reasonably require the same to be surrounded or protected by sett paving or other adequate form of protection the Undertakers shall at their own cost provide such protection to the reasonable satisfaction of the county surveyor and for the purposes of this section any such sett paving shall be deemed to form part of the apparatus in connection with which it is provided or required to be provided :
- (10) Where by reason of a burst or defective water main conduit pipe or work the flow of water from the same shall cause damage to any county road or bridge the Undertakers shall forthwith make good any such damage to the reasonable satisfaction of the county surveyor :

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(11) The Council shall not except in the case of their negligence be liable for or in respect of any damage or injury done to any apparatus of the Undertakers laid after the commencement of this order by reason of the same being laid at a depth below the surface of any county road or bridge insufficient for the protection of such apparatus from injury arising during the repairing of any county road or bridge or from the reasonable use of any steam or other roller for such repair not exceeding fifteen tons in weight or from the passage of the traffic on such county road or bridge :

(12) If any difference shall arise under this section between the council and the Undertakers the same shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

For
protection
of Great
Western
Railway
Company.

13.—(1) The provisions of section 86 (For protection of Great Western Railway Company) of the Act of 1905 shall extend and apply to any works executed under the powers of this order in the added limits and to the Company in relation thereto as though such works were executed under the powers of the Act of 1905.

(2) Any additional expense which the Great Western Railway Company may reasonably and properly incur in maintaining their bridges and works existing at the commencement of this order by reason of the existence of any main or pipes of the Company laid after the commencement of this order in the added limits upon across over or under those bridges or works shall be paid by the Company.

Costs of
order.

14. All costs charges and expenses of and incidental to the application for this order and the preparation making and confirmation of this order shall be paid by the Undertakers and may in whole or in part be defrayed out of revenue.

SCHEDULE.

LANDS THE PURCHASE OF WHICH BY THE UNDERTAKERS
IS CONFIRMED BY THIS ORDER.

Lands situate in the parish of Basildon in the rural district
of Bradfield and county of Berks comprising 2 roods and 25 poles

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or thereabouts and being the enclosure numbered 301 in the said parish on the 1/2500 ordnance map Berkshire sheet No. XXVIII.10 (edition of 1912).

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Lands situate in the parish of Moulsoford in the rural district of Wallingford and county of Berks comprising 16½ poles or thereabouts and being part of the enclosure numbered 53 in the said parish on the 1/2500 ordnance map Berkshire sheets Nos. XXII.6 and XXII.10 (edition of 1912).

Lands situate in the parish of Moulsoford in the rural district of Wallingford and county of Berks comprising 2 roods and 7½ poles or thereabouts and being part of the enclosure numbered 71 in the said parish on the 1/2500 ordnance map Berkshire sheet No. XXII.10 (edition of 1912).

Lands situate in the parish of Moulsoford in the rural district of Wallingford and county of Berks comprising 2 roods and 25½ poles or thereabouts and being part of the enclosure numbered 72 in the said parish on the 1/2500 ordnance map Berkshire sheet No. XXII.10 (edition of 1912).

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