STATUTORY INSTRUMENTS

1989 No. 121

WATER, ENGLAND AND WALES

The Anglian Water Authority (Bircham Newton Borehole) Order 1989

Made - - - -	*25th January 1989*
Coming into force	*26th January 1989*

The Secretary of State for the Environment, on the application of the Anglian Water Authority, being statutory water undertakers(a), and in exercise of powers conferred by sections 23, 32(1) and 59(1)(b) of the Water Act 1945(c) and now vested in him(d), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Anglian Water Authority (Bircham Newton Borehole) Order 1989 and shall come into force on the 26th January 1989.

(2) This Order shall be included among the enactments which may be cited together as the Anglian Water Authority Acts and Orders 1974 to 1989.

(3) In this Order–

"the Authority" means the Anglian Water Authority;

"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 Anglian Water Authority (Bircham Newton Borehole) Order 1989", one duplicate of which is deposited and available for inspection at the offices of the Authority 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 water undertaking of the Authority as for the time being authorised by any enactment.

Power to construct, continue and maintain works

2.—(1) The Authority may–

(a) continue and maintain on or under the land described in Schedule 1 to this Order the existing borehole and pumping station;

(b) construct, continue and maintain (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this Order) all such additional wells, boreholes, adits and headings as may be necessary or expedient for augmenting, improving or maintaining the supply of water obtainable by means of the said borehole and pumping station.

(2) The works authorised by this Order shall for all purposes form part of the undertaking.

(a) *See* the Water Act 1973 (c.37), section 11(6).
(b) *See* the definition of "Minister".
(c) 1945 c.42. There are amendments to sections 23 and 32, but none relevant to this Order.
(d) S.I. 1951/142, 1900, 1970/1681.

Application of certain provisions of the Third Schedule

3. The provisions of the Third Schedule specified in column (1) of Schedule 2 to this Order shall apply to the undertaking, subject to the modifications set out in column (2) thereof.

Signed by authority of
the Secretary of State
25th January 1989

J. A. L. Gunn
An Under Secretary in the
Department of the Environment

SCHEDULE 1

DESCRIPTION OF LAND

Land at RAF Bircham Newton in the Parish of Bagthorpe in the County of Norfolk shown coloured red on the deposited plan, having an area of 0.04 hectares or thereabouts and forming part of enclosure number 2089 on the 1/2500 Ordnance Survey Plan sheet TF 73SE (1980 edition) at National Grid reference TF 791.339.

SCHEDULE 2

PROVISIONS OF THE THIRD SCHEDULE APPLIED

(1) *Provisions applied*	(2) *Modifications*
Section 4 (General power to construct subsidiary works)	(i) omit the words "and to any other provisions of the special Act limiting the powers of the undertakers to abstract water". (ii) for the words "any land for the time being held by them in connection with their water undertaking" substitute "the land described in Schedule 1 to the special Act";
Section 91 (mode of reference to arbitration)	—
Section 92 (liability of undertakers to pay compensation)	—
Section 93 (protection for works of navigation authorities and for catchment boards and railways)	—
Section 94(a) (copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	In subsection (1), for the words from "the council of" to the end of the subsection substitute "the council of every county and district affected by the special Act".

(a) Section 94(1) was amended by S.I. 1986/1.

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