STATUTORY INSTRUMENTS

1973 No. 151

WATER SUPPLY, ENGLAND AND WALES

The East Anglian (Waveney Valley) Water Order 1973

Made - - - 1*st February* 1973

Coming into Operation 12*th February* 1973

The Secretary of State for the Environment, in exercise of powers conferred by section 23 of the Water Act 1945(a) and now vested in him (b), and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement.

1.—(1) This order may be cited as the East Anglian (Waveney Valley) Water Order 1973 and shall come into operation on 12th February 1973.

(2) The East Anglian Water Acts and Orders 1853 to 1972 and this order may be cited together as the East Anglian Water Acts and Orders 1853 to 1973.

Interpretation.

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

"the Company" means the East Anglian Water Company;

"deposited plan" and "deposited section" mean respectively the plan and section prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked "Plan and section referred to in the East Anglian (Waveney Valley) Water Order 1973", one duplicate of which has been deposited and is available for inspection at the principal office of the Company and the other at the offices of the Secretary of State;

"Secretary of State" means 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 Company as from time to time authorised by any enactment;

and any expression to which a meaning is assigned by the Third Schedule shall have the meaning so assigned.

(2) Any reference in this order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this order.

(3) Unless the context otherwise requires any reference in this order to any enactment shall be construed as a reference to that enactment as amended by, or having effect by virtue of, any subsequent enactment, including this order.

(a) 1945 c. 42.
(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, p. 1348, 1347; 1970 III, p. 5551).

[DOE 10672]

Application and incorporation of certain provisions of Third Schedule.

3. For the purposes of this order the provisions of the Third Schedule which are set out 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 are hereby incorporated with this order.

Power to construct works.

4.—(1) Subject to the provisions of this order, the Company may, when they have acquired the necessary lands or sufficient interests therein, construct and maintain, in the lands coloured pink on the deposited plan in the lines and situations shown thereon and according to the levels shown on the deposited section, the following works in the county of East Suffolk:—

In the parish of Shipmeadow in the rural district of Wainford—

Work No. 1—An intake on the south bank of the river Waveney.

Work No. 2—An access road (including a bridge) commencing by a junction with Lock's Lane and terminating at Work No. 1.

Work No. 3—A line or lines of pipes commencing at Work No. 1 and terminating at Work No. 4.

Work No. 4—A pumping station, screen chamber, pump and pump sump in the enclosure numbered 30 in the said parish of Shipmeadow on the 1/2500 ordnance map of Suffolk (east) sheet IX.9 (edition of 1927).

Work No. 5—A switch gear control building in the enclosure numbered 121 in the said parish of Shipmeadow on the 1/2500 ordnance map of Suffolk (east) sheet IX.9 (edition of 1927).

Work No. 6—A line or lines of pipes commencing at Work No. 4 and terminating at the southern boundary of the enclosure numbered 122 in the said parish of Shipmeadow on the 1/2500 ordnance map of Suffolk (east) sheet IX.9 (edition of 1927).

Work No. 7—A culvert in, and the stopping up and filling of, a dyke in the enclosures numbered 14 and 15 in the said parish of Shipmeadow on the 1/2500 ordnance map of Suffolk (east) sheet IX.9 (edition of 1927).

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

Temporary stoppage of highways, etc.

5.—(1) During, and for the purpose of, the execution of the works the Company may temporarily stop up and divert, and interfere with, any highway or drain or culvert and, in the case of any highway, may for any reasonable time divert the traffic therefrom and prevent all persons other than those *bona fide* going to or from any land, house or building abutting on the highway from passing along and using the same.

(2) The Company shall provide reasonable access for foot-passengers with or without animals *bona fide* going to or from any such land, house or building.

(3) The Company shall not exercise the powers of this section in relation to a highway without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent is, or is not, unreasonably withheld shall be determined by the Secretary of State.

(4) The Company shall not exercise the powers of this section in relation to a drain or culvert without providing a proper substitute before interrupting the passage of water in or through such drain or culvert, and shall make compensation for any damage caused to any person by the exercise of such powers in relation to a drain or culvert, the amount of such compensation being, in case of dispute, referred to and determined in accordance with the provisions of the Land Compensation Act 1961(a).

(5)(*a*) The exercise of the powers conferred by this section in relation to a highway shall not affect the powers of the Post Office under the Telegraph Acts, as defined in section 21(2) of the Post Office Act 1969(b), to place, maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that highway for any of those purposes.

(*b*) In this subsection the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878(c).

6. All costs, charges and expenses of and incidental to the application for and preparing and making of this order shall be paid by the Company and may in whole or in part be defrayed out of revenue. Costs of order.

SCHEDULE

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Part II (Works and Lands) (except sections 3 and 9)	In section 2 for the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plan" and for the words "the said plans" there shall be substituted the words "the deposited section". In section 4 the words from the beginning of the section to the words "abstract water" shall be omitted; and for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the lands delineated on the deposited plan".
In Part XVI (General and Miscellaneous) sections 82, 83, 85 to 87 and 91 to 94.	In section 91 for the word "Minister" there shall be substituted the words "President of the Institution of Civil Engineers."

J. E. Beddoe,
An Under Secretary in the Department of the Environment

Signed by authority of the Secretary of State
1st February 1973

(a) 1961 c. 33. (b) 1969 c. 48. (c) 1876 c. 76.