STATUTORY INSTRUMENTS

1979 No. 500

WATER, ENGLAND AND WALES

The East Worcestershire Water (Dunhampton Pumping Station) Order 1979

Made - - - - *25th April* 1979

Coming into Operation *4th May* 1979

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 Worcestershire Water (Dunhampton Pumping Station) Order 1979 and shall come into operation on 4th May 1979.

(2) The East Worcestershire Water Acts and Orders 1877 to 1977 and this order may be cited together as the East Worcestershire Water Acts and Orders 1877 to 1979.

Interpretation.

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

"the Company" means the East Worcestershire Waterworks Company;

"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 East Worcestershire Water (Dunhampton Pumping Station) Order 1979", one duplicate of which is deposited and is available for inspection at the principal office of the Company 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 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.

Application of provisions of Third Schedule.

3. For the purposes of this order the provisions of the Third Schedule which are specified in column (1) of Schedule 1 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.

(a) 1945 c. 42. (b) S.I. 1951/142, 1900, 1970/1681.

Construction and maintenance of works.

4. The Company may, on or under the lands described in Schedule 2 to this order and owned by them—

(*a*) construct and maintain a borehole and pumping station (to be known as the "Dunhampton Pumping Station") for the purpose of abstracting water from the said borehole; and

(*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 boreholes, wells, adits, headings and other works as may be necessary or expedient for the purpose of abstracting water from and for augmenting or improving the supply of water obtainable by means of the said borehole and pumping station.

Works to form part of undertaking.

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

Costs of order.

6. All costs, charges and expenses of, and incidental to, the application for, and the preparation and making of, this order may in whole or in part be defrayed out of revenue.

SCHEDULE 1

PROVISIONS OF THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Section 4 (General power to construct subsidiary works)	The words "and to any other provisions of the special Act limiting the powers of the undertakers to abstract water" shall be omitted; 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 land described in the special Act"; and after the word "buildings" there shall be inserted the words "means of access".
Section 5 (Power of undertakers to lay or erect telephone wires &c.)	—
Section 6 (Penalty for obstructing construction of works)	—

SCHEDULE 1 (*continued*)

PROVISIONS OF THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Part IV (Minerals Underlying Waterworks)	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 91 (Mode of reference to arbitration)	—
Section 92 (Liability of undertakers to pay compensation)	—
Section 94 (Copies of special Act to be left by undertakers in their office, and deposited with certain officers)	—

SCHEDULE 2

Land at Dunhampton in the Parish of Doverdale in the District of Wychavon in the County of Hereford and Worcester comprising 0·20 hectares (0·49 acres) or thereabouts, being part of the enclosure numbered 6500 in the said parish on the 1/2500 ordnance map of Worcestershire, sheets SO8466 and SO8465 (1970 revision), and more particularly delineated on the deposited plan and thereon coloured pink.

D. C. Musgrave,
An Under Secretary in the Department of the Environment.

Signed by authority of the Secretary of State
25th April 1979.