EX 90

STATUTORY INSTRUMENTS

1977 No. 34

WATER, ENGLAND AND WALES

The East Worcestershire Water (Whitford Pumping Station) Order 1977

Made - - - - 10*th January* 1977

Coming into Operation 24*th January* 1977

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 (Whitford Pumping Station) Order 1977 and shall come into operation on 24th January 1977.

(2) The East Worcestershire Water Acts and Orders 1877 to 1974 and this Order may be cited together as the East Worcestershire Water Acts and Orders 1877 to 1977.

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 (Whitford Pumping Station) Order 1977" one duplicate of which is deposited and 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 specified in column (2) thereof, apply to the undertaking and are hereby incorporated with this order.

(a) 1945 c. 42.

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

[DET 24321]

Construction and maintenance of work.

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 "Whitford Pumping Station"); and

(*b*) construct, continue, alter 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 and headings as may be necessary or expedient 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.

SCHEDULE 1

PROVISIONS OF THE 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 or undertakers to lay or erect telephone wires &c.)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 8 (Persons under disability may grant easements, etc.)	—

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

DESCRIPTION OF LANDS

Land at Whitford in the Parish and District of Bromsgrove in the County of Hereford and Worcester comprising 0.07 hectares or thereabouts being part of the enclosure numbered 3952 on the 1/2500 Ordnance map of Worcestershire Sheet SO9470—SO9570 (edition of 1970), and more particularly shown coloured pink on the deposited plan.

A. G. Semple,
An Under Secretary in
the Department of the Environment.

Signed by authority of
the Secretary of State
10th January 1977.