STATUTORY INSTRUMENTS

1984 No. 905

WATER, ENGLAND AND WALES

The Eastbourne Water (Ten Acre Gill) Order 1984

Made - - - -	29*th June* 1984
Coming into Operation	2*nd July* 1984

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 Eastbourne Water (Ten Acre Gill) Order 1984 and shall come into operation on 2nd July 1984.

(2) The Eastbourne Water Acts and Orders 1859 to 1983 and this order may be cited together as the Eastbourne Water Acts and Orders 1859 to 1984.

Interpretation

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

"the Company" means the Eastbourne 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 Eastbourne Water (Ten Acre Gill) Order 1984", 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 existing boreholes" means the two existing boreholes constructed on the land described in Schedule 2 to this order and marked "Borehole No. 1" and "Borehole No. 2" respectively on the deposited plan;

"the Third Schedule" means Schedule 3 to the Water Act 1945;

"the undertaking" means the undertaking of the Company as for the time being 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 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 continue and maintain the existing boreholes and may, when they have acquired the necessary land or sufficient rights or interests therein:—

(a) construct, continue and maintain in, on and under the land described in Schedule 2 to this order a pumping station (to be known as the "Ten Acre Gill Pumping Station") for the purpose of abstracting water from the said boreholes; and

(b) construct and maintain in, on and under the said land (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, headings and other works as may be necessary or expedient for augmenting, improving or maintaining the supply of water obtainable by means of the said boreholes 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 shall be paid by the Company and may in whole or in part be defrayed out of revenue.

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 of 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)	
Section 9 (Extinction of private rights of way)	
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)	In subsection (1) for the words from "with the clerk of the council" to the end of the subsection there shall be substituted the words "with the council of every county and district affected by the special Act".

SCHEDULE 2

Land in the Parish of Penhurst in the District of Rother in the County of East Sussex comprising 0.119 hectares (0.294 acres) or thereabouts, being part of enclosure number 2328 in the said parish on the 1/2500 ordnance map of East Sussex, sheet TQ 6816/6916 (edition of 1973) and more particularly delineated on the deposited plan and thereon coloured pink.

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

Signed by authority of
the Secretary of State
29th June 1984.

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