STATUTORY INSTRUMENTS

1975 No. 1237

WATER, ENGLAND AND WALES

The North West Water Authority (Mill Hill, Poynton) Order 1975

Made - - - - 23*rd July* 1975

Coming into Operation 31*st July* 1975

The Secretary of State for the Environment, in exercise of the powers conferred by section 23 of the Water Act 1945(**a**), as extended by section 3 of the Water Act 1948(**b**), and section 33(2) of the Compulsory Purchase Act 1965(**c**) and now vested in him (**d**), 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 North West Water Authority (Mill Hill, Poynton) Order 1975 and shall come into operation on 31st July 1975.

(2) This order shall be included among the enactments which may be cited together as the North West Water Authority Orders 1974 and 1975.

Interpretation.

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

"the Authority" means the North West 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 North West Water Authority (Mill Hill, Poynton) Order 1975", one duplicate of which has been deposited and is 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 undertaking of the Authority as for the time being authorised by any enactment.

(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**) 1948 c. 22. (**c**) 1965 c. 56.
(**d**) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).

[DOE 20520]

Incorporation of enactments.

3.—(1) There shall be excepted from Part I of the Compulsory Purchase Act 1965, as applying in relation to this order, the provisions of section 27 of, and paragraph 3(3) of Schedule 3 to, that Act, and the enactments relating to compensation payable in respect of the compulsory acquisition of land shall apply to the Authority subject to the modification specified in Part III of Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946**(a)**.

(2) For the purposes of this order the provisions of the Third Schedule set out 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.

Purchase of lands.

4.—(1) Subject to the provisions of this order, the Authority may purchase compulsorily for the purpose of the works all or any of the lands within the limits of land to be acquired delineated and coloured pink or yellow on the deposited plan and described in Schedule 2 to this order.

(2) Notwithstanding the provisions of subsection (1) of this section, the Authority shall not purchase compulsorily any land which is required by the Authority solely for the construction of the foul sewer (Work No. 3) and surface water drain (Work No. 4) being the said land so coloured yellow if the owner of such land is able and willing to grant or sell to the Authority (at a price to be agreed or, failing agreement, to be determined in accordance with the provisions of the Land Compensation Act 1961**(b)**) such easements and rights over, under and in that land as the Authority may in the circumstances require for the purpose of constructing and maintaining the said works.

Power to construct works.

5. Subject to the provisions of this order, the Authority may, when they have acquired the necessary lands or sufficient interest therein construct and maintain, in the lines and situations shown upon the deposited plan, the following works in the County of Cheshire:—

In the Parish of Poynton-with-Worth, in the Borough of Macclesfield:—

Work No. 1—A borehole and pumping station (to be known as the "Mill Hill, Poynton Pumping Station") together with (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this order) all such wells, bores, adits, headings and other works as may be necessary or expedient for augmenting or improving the supply of water obtainable by means of the said borehole and pumping station;

Work No. 2—An access road commencing by a junction with the road known as "Woodford Road" on the north-west side thereof near the junction of Mill Hill Avenue with that road and terminating at the borehole and pumping station (Work No. 1);

Work No. 3—A foul sewer commencing at the pumping station (part of Work No. 1) passing northwards and terminating at the existing sewer in enclosure numbered 4727 in the said parish on the 1/2500 ordnance map of Chester, Sheet SJ 9185 (edition of 1961);

(a) 1946 c. 49. **(b)** 1961 c. 33.

Work No. 4—A surface water drain commencing at the pumping station (part of Work No. 1) passing northwards and terminating in Norbury Brook.

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

SCHEDULE 1

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Part II (Works and Lands) except section 3	In section 2 for the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plan". In section 4 the words from the commencement of the section 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 lands delineated on the deposited plan"; and after the word "plant" there shall be inserted the words "chambers, washouts, junctions, valves, gauges, screens, strainers, cables, roads, means of access, embankments". In section 7(1) after the words "underground works" there shall be inserted the words "or of providing means of access" and after that subsection there shall be inserted the following subsection:— "(1A) For the purposes of this section a work shall be deemed to be underground although it is, or apparatus or conveniences connected therewith are, partly on the surface.".
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.

Provisions applied (1)	Modifications (2)
Part VI (Breaking Open Streets, &c.)	—
Section 91 (Mode of reference to arbitration)	For the words "the Minister" there shall be substituted the words "the President of the Institution of Civil Engineers".
Section 92 (Liability of undertakers to pay compensation)	For the words from "the Lands Clauses Acts" to the end of the section there shall be substituted the words "the Land Compensation Act 1961, the Compulsory Purchase Act 1965 and the Land Compensation Act 1973".
Section 93 (Protection for works of navigation authorities and for catchment boards and railways)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	—

SCHEDULE 2

Description of Lands

1. Land in the Parish of Poynton-with-Worth in the Borough of Macclesfield in the County of Cheshire having a total area of 1920 square metres or thereabouts being part of the enclosure numbered 2800 on the 1/2500 ordnance map of Chester, sheet SJ 9185 (edition of 1961) and more particularly delineated on the deposited plan and thereon coloured pink.

2. Land in the Parish of Poynton-with-Worth in the Borough of Macclesfield in the County of Cheshire having a total area of 966 square metres or thereabouts being part of the enclosure numbered 4727 on the 1/2500 ordnance map of Chester, sheet SJ 9185 (edition of 1961) and more particularly delineated on the deposited plan and thereon coloured yellow.

J. R. Niven,
An Under Secretary in the Department of the Environment.

Signed by authority of the Secretary of State
23rd July 1975.

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