STATUTORY INSTRUMENTS

1975 No. 587

WATER, ENGLAND AND WALES

The Northumbrian Water Authority (Blackwell Pumping Station) Order 1975

Made - - - -	10*th April* 1975
Coming into Operation	16*th April* 1975

The Secretary of State for the Environment, in exercise of 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.

1.—(1) This order may be cited as the Northumbrian Water Authority (Blackwell Pumping Station) Order 1975.

(2) The Northumbrian Water Authority Orders 1974 and this order may be cited together as the Northumbrian Water Authority Orders 1974 and 1975.

Interpretation.

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

"the Authority" means the Northumbrian 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 Northumbrian Water Authority (Blackwell Pumping Station) Order 1975" of which one duplicate is deposited and available for inspection at the offices of the Authority and the other at the offices of the Secretary of State for the Environment;

"the undertaking" means the undertaking of the Authority as from time to time authorised.

(2) Unless the context otherwise requires 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, references in this order to any enactment shall be construed as references to that enactment as extended or amended by 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 20037]

Application and incorporation of enactments.

3.—(1) For the purposes of this order the provisions of the Third Schedule to the Water Act 1945 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.

(2) The provisions of the Railways Clauses Consolidation Act 1845(a) with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this order and, as so incorporated, shall have effect as if for the words "the period by the special Act limited for the completion of the railway" there were substituted the words "the period of two years from the commencement of the construction of any of the works authorised by the special Act" and the following expressions had the meanings hereby assigned to them—

"the company" means the Authority;

"the railway" means the works authorised by this order and "the centre of the railway" means the centre of any such works respectively; and

"the special Act" means this order.

Application of enactments.

4. In its application in relation to this order, Part I of the Compulsory Purchase Act 1965 shall have effect subject to the following exceptions and modifications:—

(*a*) section 27 (Acquiring authority to make good deficiencies in rates) shall be omitted; and

(*b*) subsection (2) of section 11 (Powers of entry) shall have effect as if at the end of the first paragraph thereof there were inserted the words "(other than paragraph 3(3) thereof)".

Purchase of land.

5.—(1) The Authority may purchase compulsorily for the purpose of the works authorised by this order all or any of the lands shown coloured red on the deposited plan.

(2) Notwithstanding the provisions of subsection (1) of this section, the Authority shall not so purchase any land which is required by the Authority solely for the construction of the access road (Work No. 2) if the owner of that 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 and in that land as the Authority may require for the purpose of constructing and maintaining the said work.

Power to construct works.

6. The Authority may, when they have acquired the necessary lands or obtained sufficient rights therein, construct, and maintain the following works in the Parish of Blackwell in the Borough of Darlington in the County of Durham—

Work No. 1—An intake and pumping station on the left bank of the River Tees in the enclosure numbered 260 in the Parish of Blackwell

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(a) 1845 c. 20.

(b) 1961 c. 33.

on the 1/2500 ordnance map of Durham Sheet LV 13 (edition of 1914);

Work No. 2—An access road in the enclosures numbered 255 and 260 on the said 1/2500 ordnance map commencing by a junction with the road from Croft to Darlington at a point 63 metres north of the entrance to Nags Head Farm and terminating at the pumping station (part of Work No. 1).

Works to form part of undertaking.

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

Temporary stoppage of drains and rights of way.

8.—(1) The Authority, during and for the purposes of the construction of the works authorised by this order, may temporarily stop up, alter, divert or otherwise interfere with any drain or private right of way, and in the case of any such right of way, may for any reasonable time prevent all persons other than those bona fide going to or from any land, house or building abutting on the right of way from passing along and using the same.

(2) The Authority shall provide reasonable access for passengers bona fide going to or from any such land, house or building.

SCHEDULE

PROVISIONS OF THE THIRD SCHEDULE APPLIED FOR PURPOSES OF ORDER

Provisions applied (1)	Modifications (2)
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the plans referred to in the special Act".
Section 4 (General power to construct subsidiary works)	The words from "and to any other" 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 plans referred to in the special Act"; for the word "thereof" there shall be substituted the words "of those works" and after the word "buildings" there shall be inserted the words "roads, means of access, piling, embankments, bridges".
Section 5 (Power of undertakers to lay or erect telephone wires, etc.)	—
Section 6 (Penalty for obstructing construction of works)	—

Provisions applied (1)	Modifications (2)
Section 7 (Power to acquire easements for underground works)	After the words "underground works" in subsection (1) 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 apparatus or conveniences connected therewith are partly on the surface.".
Section 8 (Persons under disability may grant easements, etc.)	—
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 82 (Power to enter premises)	—
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—
Section 86 (Continuing offences and penalties)	—
Section 87 (Restriction on right to prosecute)	—
Section 91 (Mode of reference to arbitration)	—
Section 92 (Liability of undertakers to pay compensation)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	—

Signed by authority of
the Secretary of State
10th April 1975

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

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