STATUTORY INSTRUMENTS

1988 No. 225

WATER, ENGLAND AND WALES

The Severn-Trent Water Authority (Hartlebury Borehole) Order 1988

Made - - - -	*11th February 1988*
Coming into force -	*12th February 1988*

The Secretary of State for the Environment, on the application of the Severn-Trent Water Authority, being statutory water undertakers(a), and in exercise of powers conferred by sections 23, 32(1) and 59(1)(b) of the Water Act 1945(c) and now vested in him(d), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Severn-Trent Water Authority (Hartlebury Borehole) Order 1988 and shall come into force on the 12th February 1988.

(2) This Order and the Severn-Trent Water Authority Orders 1974 to 1987 may be cited together as the Severn-Trent Water Authority Orders 1974 to 1988.

(3) In this Order–

"the Authority" means the Severn-Trent 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 Severn Trent Water Authority (Hartlebury Borehole) Order 1988", one duplicate of which 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 Third Schedule" means the Third Schedule to the Water Act 1945;

"the undertaking" means the water undertaking of the Authority as for the time being authorised by any enactment.

Power to construct, continue and maintain works

2. The Authority may–

(a) continue and maintain the existing borehole on or under the land described in Schedule to this Order;

(b) construct, continue and maintain on or under that 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 and headings as may be necessary or expedient for augmenting, improving or maintaining the supply of water obtainable by means of that borehole.

(a) *See* the Water Act 1973 (c.37), section 11(6).
(b) *See* the definition of "Minister".
(c) 1945 c.42. There are amendments to sections 23 and 32, but none relevant to this Order.
(d) S.I. 1951/142, 1900, 1970/1681.

Works to form part of the undertaking

3. The said borehole and any works authorised by this Order shall for all purposes form part of the undertaking.

Application of certain provisions of the Third Schedule

4. The provisions of the Third Schedule specified in column (1) of Schedule 2 to this Order shall apply to the undertaking, subject to the modifications set out in column (2) thereof.

Signed by authority of the Secretary of State

Dinah Nichols
An Under Secretary in the Department of the Environment

11th February 1988

SCHEDULE 1

DESCRIPTION OF LAND

Land in the Parishes of Hartlebury and Elmley Lovett in the District of Wychavon shown coloured pink on the deposited plan, having an area of 8.199 hectares or thereabouts and forming part of enclosure number 6842 on the 1/2500 Ordnance Survey Plan sheet SO 8572 (1985).

SCHEDULE 2

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	*Modifications* (2)
Section 4 (General power to construct subsidiary works)	(i) omit the words "and to any other provisions of the special Act limiting the powers of the undertakers to abstract water". (ii) for the words "any land for the time being held by them in connection with their water undertaking" substitute "the land described in Schedule 1 to the special Act "; (iii) after the word "buildings" insert "means of access".
Part IV (minerals underlying waterworks)	In Section 12:– (i) for the words "after this section is incorporated with their enactments" substitute "under the special Act"; (ii) for the words "all existing pipes or other conduits for the collection, passage, or distribution of water and underground works belonging to them" substitute "all such pipes or other conduits or underground works"; (iii) omit the words "for the time being belonging to them".
Section 94(a) (copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	In subsection (1), for the words from "London borough" to the end of the subsection substitute "with the council of every county and district affected by the special Act."

(a) Section 94(1) was amended by S.I. 1986/1.