STATUTORY INSTRUMENTS

1976 No. 266

WATER, ENGLAND AND WALES

The Severn-Trent Water Authority (Mossgates Borehole) Order 1976

Made - - - - *20th February* 1976

Coming into Operation *3rd March* 1976

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 Severn-Trent Water Authority (Mossgates Borehole) Order 1976, and shall come into operation on 3rd March 1976.

(2) This order shall be included among the enactments which may be cited together as the Severn-Trent Water Authority Orders 1974 to 1976.

Interpretation.

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

"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 (Mossgates Borehole) Order 1976", one duplicate of which is 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 water undertaking of the Authority as for the time being authorised by any enactment.

Application of certain provisions of Third Schedule.

3. For the purpose of this order, the provisions of the Third Schedule which are specified in column (1) of Schedule 2 to this order shall, subject to the modifications set out in column (2) of the said Schedule 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).

[DOE 22403]

Construction, continuation, and maintenance of works.

4. The Authority may when they have acquired the necessary land or sufficient rights therein—

(*a*) continue and maintain a borehole on or under the land described in Schedule 1 to this order; and

(*b*) construct and maintain on or 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 wells, boreholes, adits and headings as may be necessary or expedient for augmenting or improving the supply of water obtainable by means of the said borehole.

Works to form part of undertaking.

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

SCHEDULE 1

LAND ON OR UNDER WHICH WORKS MAY BE CONSTRUCTED AND MAINTAINED UNDER THIS ORDER

Land situate in the Parish of Fulford in the District of Stafford in the County of Staffordshire having an area of 0·72 acres of thereabouts and being part of the enclosure numbered 3221 in the said Parish on the 1: 2500 ordnance map of Staffordshire sheet SJ.9537 (Edition of 1957) which land is delineated and coloured pink on the deposited plan.

SCHEDULE 2

PROVISION 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 Schedule 1 to the special Act"; and after the word "buildings" there shall be inserted the words "means of access".

SCHEDULE 2 (cont.)

Provisions applied (1)	Modifications (2)
Section 5 (power of undertakers to lay or erect telephone wires etc.).	—
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 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
20th February 1976.

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