STATUTORY INSTRUMENTS

1980 No. 128

WATER, ENGLAND AND WALES

The Severn-Trent Water Authority (Norton Boreholes) Order 1980

Made - - - - 1*st February* 1980

Coming into Operation 12*th February* 1980

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 (Norton Boreholes) Order 1980, and shall come into operation on 12th February 1980.

(2) The Severn-Trent Water Authority Orders 1974 to 1979 and this order may be cited together as the Severn-Trent Water Authority Orders 1974 to 1980.

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 (Norton Boreholes) Order 1980", 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 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.

Construction and maintenance of works.

4. The Authority may:—

(*a*) construct and maintain a borehole on or under each of the two respective parcels of land described in Part I of Schedule 1 to this order;

(*b*) continue and maintain a borehole on or under each of the two respective parcels of land described in Part II of Schedule 1 to this order; and

(a) 1945 c 42 (b) S.I. 1951/142, 1900, 1970/1681.

(*c*) construct and maintain on or under the said parcels of 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 boreholes.

Works to form part of undertaking.

5. The said boreholes 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

PART I

Two parcels of land situate in the Borough of Dudley in the County of West Midlands comprising respectively:

(*a*) An area of 0.043 hectares (0.11 acres) or thereabouts being part of the enclosure numbered 4776 in the said Borough on the 1:2500 Ordnance Map of the County of West Midlands Sheet No. 8981 (Edition of 1969) and

(*b*) an area of 0.08 hectares (0.198 acres) or thereabouts being part of the enclosure numbered 2400 in the said Borough on the said Ordnance Sheet

both of which parcels of land are delineated and shown coloured pink on the deposited plan and are thereon referred to as the sites of Boreholes E and F respectively.

PART II

Two parcels of land belonging to the Authority and situate in the said Borough comprising respectively:

(*a*) An area of 0.086 hectares (0.21 acres) or thereabouts being part of the enclosure numbered 0065 in the said Borough on the said Ordnance Sheet and

(*b*) an area of 0.53 hectares (1.3 acres) or thereabouts being part of the enclosure numbered 7453 in the said Borough on the said Ordnance Sheet

both of which parcels of land are delineated and shown coloured pink on the deposited plan and are thereon referred to as the sites of Boreholes C and D respectively.

SCHEDULE 2

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 Schedule 1 to 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.)	
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).	In subsection one for the words "with the clerk of the council" to the end of the section there shall be substituted the words "with the council of every county and district affected by the special Act."

Signed by authority of
the Secretary of State
1st February 1980.

G. May,
An Under Secretary in the
Department of the Environment.