STATUTORY INSTRUMENTS

1987 No. 948

WATER, ENGLAND AND WALES

The Tendring Hundred Water (Stoke-by-Nayland Boreholes) Order 1987

Made - - - -	*12th May 1987*
Coming into force	*14th May 1987*

The Secretary of State for the Environment, in exercise of the powers conferred by sections 23, 32(1) and 59(1)(**a**) of the Water Act 1945(**b**) and now vested in him (**c**), and of all other powers enabling him that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Tendring Hundred Water (Stoke-by-Nayland Boreholes) Order 1987 and shall come into force on 14th May 1987.

(2) This Order shall be included among the enactments which may be cited together as the Tendring Hundred Water Acts Orders 1884 to 1987.

Interpretation

2. In this Order–

"the Company" means the Tendring Hundred Waterworks Company;

"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 Tendring Hundred Water (Stoke-by-Nayland Boreholes) Order 1987" one duplicate of which is deposited and is available for inspection at the principal office of the Company 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 Company as for the time being authorised by any enactment.

Application of certain provisions of the Third Schedule

3. For the purposes of this Order the provisions of the Third Schedule set out in column (1) of Schedule 2 to this Order shall, subject to the modifications set out in column (2) of that Schedule, apply to the undertaking and are hereby incorporated with this Order.

Power to construct and maintain works

4.—(1) The Company may in, on or under the land described in Schedule 1 to this Order–

(a) construct and maintain boreholes and a pumping station (to be called "the

(**a**) *See* the definition of "Minister".
(**b**) 1945 c.42.
(**c**) S.I. 1951/142, 1900, 1970/1681.

Stoke-by-Nayland Pumping Station") and pumping plant for the purpose of abstracting water from those boreholes;

(b) construct and maintain (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 by means of the said boreholes, pumping station and plant.

Works to form part of undertaking

5. The 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 in the parish of Stoke-by-Nayland in the district of Babergh in the county of Suffolk being part of enclosure numbers 2122 and 2700 on the 1/2500 Ordnance Map of Suffolk sheet TM 0237 (September 1969 edition), comprising in area 0.5 hectares or thereabouts and shown coloured pink on the deposited plan.

SCHEDULE 2

PROVISIONS OF THE THIRD SCHEDULE APPLIED

(1) *Provisions Applied*	(2) *Modifications*
Section 2 (Permissible limits of deviation)	—
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 and 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 the special Act".
Section 6 (Penalty for obstructing construction of works)	—
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 19 (Power to lay mains)	—
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	In subsection (1) (a) for the words from "metropolitan district" to the end of the subsection there shall be substituted the words "and non-metropolitan district affected by the special Act.".

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

Signed by authority of the Secretary of State.

J. A. L. Gunn

12th May 1987 An Under Secretary in the Department of the Environment