STATUTORY INSTRUMENTS

1973 No. 1296

WATER SUPPLY, ENGLAND AND WALES

The Thanet Water Board (Sutton) Order 1973

Made - - - 16*th July* 1973

Coming into Operation 2*nd August* 1973

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 Thanet Water Board (Sutton) Order 1973.

(2) This order shall be included among the enactments which may be cited together as the Thanet Water Board Act and Orders 1955 to 1973.

Interpretation.

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

"the Board" means the Thanet Water Board;

"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 Thanet Water Board (Sutton) Order 1973", one duplicate of which is deposited and available for inspection at the offices of the Board 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 Board as for the time being authorised by any enactment.

(2) Unless the context otherwise requires any reference in this order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment including this order.

Incorporation of Enactments.

3.—(1) In its application in relation to this order Part 1 of the Compulsory Purchase Act 1965 shall have effect subject to the following modification and omission:—

(*a*) 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)"; and

(*b*) section 27 (Acquiring authority to make good deficiencies in rates) shall be omitted.

(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 11976]

(2) For the purposes of this order the provisions of the Third Schedule which are set out in column (1) of Schedule 2 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.

Power to purchase land.

4. Subject to the provisions of this order, the Board may purchase compulsorily for the purpose of the construction of the works authorised by this order the lands described in Schedule 1 hereto.

Power to construct works.

5. When they have acquired the necessary land or sufficient rights or interest therein, the Board may construct and maintain, in the lines and situations shown upon the deposited plan and on or under all or any of the land shown coloured pink on the deposited plan and described in Schedule 1 hereto (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this order), a pumping station with such wells, bore-holes and other works as may be necessary or expedient for obtaining, augmenting or improving the supply of water, obtainable by means of the said pumping station.

Works to form part of undertaking.

6. The works authorised by this order shall for all purposes form part of and be comprised within the undertaking.

SCHEDULE 1

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

Land in the parish of Sutton in the rural district of Eastry in the county of Kent and coloured pink on the deposited plan comprising 0·71 of an acre or thereabouts being part of the enclosures numbered 1288 and 3098 on the 1/2500 ordnance map of Kent sheets TR 3348 and 3349 (edition of 1957).

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; 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 "any of the lands described in the special Act for the time being held by them".
Section 6 (Penalty for obstructing construction of works)	—
Section 8 (Persons under disability may grant easements)	—
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
16th July 1973

J. E. Beddoe
An Under Secretary in the
Department of the Environment