STATUTORY INSTRUMENTS

1984 No. 806

WATER, ENGLAND AND WALES

The Welsh Water Authority (Dunfield Boreholes) Order 1984

Made - - - -	15*th June* 1984
Coming into Operation	18*th June* 1984

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 Welsh Water Authority (Dunfield Boreholes) Order 1984.

(2) The Welsh Water Authority Orders 1976 to 1981 and this order may be cited together as the Welsh Water Authority Orders 1976 to 1984.

Interpretation

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

"the Authority" means the Welsh 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 Welsh Water Authority (Dunfield Boreholes) Order 1984", one duplicate of which is deposited and available for inspection at the offices of the Authority at St Nicholas House, St Nicholas Street, Hereford, and the other at the Department of the Environment;

"the Third Schedule" means the Third Schedule to the Water Act 1945;

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

Application of certain provisions of Third Schedule

3. For the purposes of this order, the provisions of the Third Schedule which

(a) 1945 c.42.
(b) 1948 c.22.
(c) 1965 c.56.
(d) S.I. 1951/142, 1900, 1970/1681.

are specified in column (1) of Schedule 1 to this order shall, subject to the modifications set out in column (2) of the said Schedule 1, apply to the undertaking and are hereby incorporated with this order.

Incorporation of enactments

4. There shall be excepted from Part 1 of the Compulsory Purchase Act 1965 as applying in relation to this order the provisions of section 27 and paragraph 3(3) of Schedule 3 to that Act.

Power to purchase land

5.— (1) Subject to the provisions of this order the Authority may purchase compulsorily all or any of the land described in Schedule 2 to this order which may be required for the construction of the authorised works.

(2) Notwithstanding anything in subsection (1) hereof, the Authority shall not purchase compulsorily any part of the land described in the said Schedule 2 if the owner thereof is ready and willing to grant or sell to the Authority at a price to be agreed or, failing agreement, to be determined in accordance with the provisions of the Land Compensation Act 1961(**a**) as amended by the Land Compensation Act 1973(**b**), such easements and rights over that part as the Authority may require for the purposes of this order.

Power to construct, continue and maintain works

6. The Authority may—

(a) construct and maintain three boreholes at National Grid References SO 26955800, SO 26845798 and SO 26465811 respectively and a pumping station at National Grid Reference SO 27125795; and

(b) construct and maintain in and on 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 additional boreholes, adits and headings as may be necessary or expedient for the purpose of abstracting water or monitoring the abstraction of water by means of the said boreholes and pumping station.

Works to form part of undertaking

7. The works authorised by this order shall for all purposes be deemed to form part of the undertaking.

(**a**) 1961 c.33.
(**b**) 1973 c.26.

SCHEDULE 1

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions Applied (1)	Modifications (2)
Section 4 (General power to construct subsidiary works)	The words from the beginning of the section 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 lands described in the special Act;" and after the word "buildings" there shall be inserted the words "means of access".
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	In subsection (1) for the words from "with the clerk of the council of every county" to the end of the subsection, there shall be substituted the words "with the council of every county and district affected by the special Act".

SCHEDULE 2

Land in the parish of Lower Harpton in the District of Leominster in the County of Hereford and Worcester at or near National Grid References SO 26955800, SO 26845798, SO 26465811 and SO 27125795 being part of the Enclosure numbered 8600 on the 1/2500 map of Herefordshire, Sheets 2757 and 2758 (1974 edition) and more particularly delineated on the deposited plan and thereon coloured red and containing 0.186 hectares or thereabouts.

J. A. L. Gunn,
An Under Secretary in the Department of the Environment.

Signed by authority of the Secretary of State

15th June 1984.