STATUTORY INSTRUMENTS

1978 No. 1782

WATER, ENGLAND AND WALES

The Wessex Water Authority (Tucking Mill) Order 1978

Made - - - *6th December* 1978

Coming into Operation 18*th December* 1978

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 Wessex Water Authority (Tucking Mill) Order 1978.

(2) This order shall be included among the enactments which may be cited together as the Wessex Water Authority Orders 1974 to 1978.

Interpretation

2. In this order unless the context otherwise requires—

"the authorised works" means the works authorised by this order;

"the Authority" means the Wessex 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 Wessex Water Authority (Tucking Mill) Order 1978", one duplicate of which is deposited and available for inspection at the principal office 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 undertaking of the Authority 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 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.

Incorporation of enactments

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

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

[DET 31349]

Power to purchase lands

5. Subject to the provisions of this order the Authority may purchase compulsorily all or any of the land described in Parts I and III of Schedule 1 to this order which may be required for the construction of and access to the authorised works provided that the Authority shall not purchase compulsorily any part of the said land if the owner thereof is ready and willing to sell or grant 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 or rights in that land as the Authority may require for the purposes of this order.

Power to construct, continue and maintain works

6. The Authority may when it has acquired the necessary land or obtained sufficient rights therein—

(*a*) construct, continue and maintain on and under the land described in Part I of Schedule 1 to this order an intake in the River Avon;

(*b*) construct, continue and maintain on and under the land described in Part II of Schedule 1 to this order a pumping station;

(*c*) construct, continue and maintain on and under the land described in Part III of Schedule 1 to this order a raw water storage lake and treatment plant together with a discharge pipe to the Horsecombe Brook;

(*d*) construct, continue and maintain all such intakes, pumps, lakes, plant and discharge points (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this order) as may be necessary or expedient for augmenting or improving the supply of water obtainable from the said intake.

Works to form part of undertaking

7. The authorised works shall for all purposes form part of the undertaking.

SCHEDULE 1

PART I

Land at Monkton Combe in the Parish of Limpley Stoke in the District of West Wiltshire in the County of Wilts shown edged red on the deposited plan having an area of 0·05 hectares or thereabouts being part of enclosure number 4400 on the 1/2500 ordnance map sheet ST7861–7961 (1970 Edition) together with a strip of land approximately 5 metres wide shown coloured red on the deposited plan extending from the B3108 road in an easterly direction to the land previously described but excepting so much of the said strip of land as forms part of the operational land of the British Railways Board.

PART II

Land at Monkton Combe aforesaid shown edged orange on the deposited plan having an area of 0·054 hectares or thereabouts being part of enclosure number 3100 on the beforementioned ordnance map together with a strip of land approximately 5 metres wide shown coloured orange on the deposited plan extending from the B3108 road in a northerly direction to the land previously described.

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

PART III

Land at Tucking Mill in the Parishes of Monkton Combe and Southstoke in the District of Wansdyke in the County of Avon shown edged blue on the deposited plan having an area of 2·46 hectares or thereabouts being part of enclosure numbers 5059, 4756 and 5164 on the 1/2500 ordnance map sheet ST7661–7761 (1970 Edition).

SCHEDULE 2

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
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"; 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)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 7 (Power to acquire easements for underground 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 91 (Mode of reference to arbitration)	—
Section 92 (Liability of undertakers to pay compensation)	—
Section 93 (Protection for works of navigation authorities and railways)	—

Provisions applied (1)	Modifications (2)
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	—

A. G. Semple,

An Under Secretary in the Department of the Environment.

Signed by authority of the Secretary of State 6th December 1978.

Printed in England by Oyez Press Limited, and published by Her Majesty's Stationery Office
150/P776 A46 K6 1/79

20p net

ISBN 0 11 084782 2