STATUTORY INSTRUMENTS

1975 No. 1251

WATER, ENGLAND AND WALES

The Wessex Water Authority (Winterbourne Abbas Borehole) Order 1975

Made - - - 25*th July* 1975

Coming into Operation 31*st July* 1975

The Secretary of State for the Environment, in exercise of the 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 (Winterbourne Abbas Borehole) Order 1975.

(2) The Wessex Water Authority (West Wiltshire Boreholes) Order 1974 and this order may be cited together as the Wessex Water Authority Orders 1974 and 1975.

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 (Winterbourne Abbas Borehole) Order 1975", 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 existing borehole" means the existing borehole constructed on the land coloured red on the deposited plan;

"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 are set out in column (1) of Schedule 1 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.

(**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 20650]

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 of and paragraph 3(3) of Schedule 3 to that Act.

Power to purchase lands.

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 Part II of 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.—(1) The Authority may—

(*a*) continue and maintain the existing borehole;

(*b*) construct and maintain on the land described in Part I of Schedule 2 to this order a pumping station;

(*c*) construct and maintain on the said land (in addition to the works authorised by the Third Schedule) all such pumping stations, wells, boreholes, adits and headings as may be necessary or expedient for augmenting or improving the supply of water obtainable from the existing borehole.

(2) The Authority may when they have acquired the necessary land or obtained sufficient rights therein construct and maintain on the line coloured green on the deposited plan an aqueduct or line of pipes commencing at the existing borehole and terminating at National Grid Reference SY 62459020.

Works to form part of undertaking.

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

SCHEDULE 1

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 "the land described in the special Act" and after the word "buildings" there shall be inserted the words "means of access".

(**a**) 1961 c. 33.

(**b**) 1973 c. 26.

Provisions Applied (1)	Modifications (2)
Section 5 (power of undertakers to lay or erect telephone wires, &c.)	—
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 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers).	—

SCHEDULE 2

PART I

Land in the Parish of Winterbourne Abbas in the County of Dorset adjoining the private road from Winterbourne Poor Lot near Wellbottom Lodge in the said parish to White Hill Barn in the Parish of Littlebredy comprising part of enclosure No. 2135 on the 1/2500 ordnance map of Dorset sheet SY 5890-5990 (edition of 1972) and more particularly delineated on the deposited plan and thereon coloured red and containing 0.0346 of a hectare or thereabouts.

PART II

Land in the Parish of Winterbourne Abbas in the County of Dorset forming part of enclosures Nos. 0268 and 2135 on the 1/2500 ordnance map of Dorset sheet SY 5890 (edition of 1972) approximately 5 metres wide and extending from the A35 road along the southern edge of

Winterbourne Poor Lot in a south-westerly direction to the north-east corner of the land referred to in Part I of this Schedule and more particularly delineated and coloured brown on the deposited plan.

J. R. Niven,
An Under Secretary in the Department of the Environment.

Signed by the authority of the Secretary of State

25th July 1975.

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