STATUTORY INSTRUMENTS

1977 No. 296

WATER, ENGLAND AND WALES

The Yorkshire Water Authority (River Ouse) Order 1977

Made - - - - *21st February* 1977

Coming into Operation *11th March* 1977

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:—

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1.—(1) This order may be cited as the Yorkshire Water Authority (River Ouse) Order 1977.

(2) The Yorkshire Water Authority Orders 1974 to 1976 and this order may be cited together as the Yorkshire Water Authority Orders 1974 to 1977.

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

"the Authority" means the Yorkshire 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 Yorkshire Water Authority (River Ouse) Order 1977", one duplicate of which is deposited and available for inspection at the offices of the Solicitor to the Authority at West Riding House, 67 Albion Street, Leeds, and the other at the offices of the Secretary of State;

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

(2) References in this order to reference points shall be construed as references to the National Grid reference points.

(3) Unless the context otherwise requires any reference in this order to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this order.

(4) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as applied, extended, amended or varied by any subsequent enactment, including 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).

Incorporation of enactments.

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

(*a*) section 27 (Acquiring authority to make good deficiencies in rates) shall be omitted; and

(*b*) 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)".

(2)(*a*) For the purposes of this order, the provisions of the Third Schedule which are specified in column (1) of the Schedule to this order shall, subject to the modifications set out in column (2) thereof, apply to the undertaking and subject as aforesaid, are hereby incorporated with this order; and

(*b*) for the purposes of section 13 of the Third Schedule as so applied and incorporated with this order, the prescribed distance shall be two hundred metres.

Power to construct works.

4. Subject to the provisions of this order, the Authority may construct and maintain in the lines and situations shown on the deposited plan and upon, over or under the lands delineated on that plan, the following works—

Work No. 1—An intake, outfall, flood weir, storage channel and pumping station on the right bank of the River Ouse in the enclosures numbered 7136, 8648 and 9756 in the parish of Moor Monkton on the 1/2500 Ordnance Survey Plan (edition of 1969) sheet SE 5257 and sheet SE 5357 and an alteration and lowering of portions of the bed and a reconstruction of portions of the bed and banks of so much of the said river as lies between reference points SE52535760 and SE53075728 together with temporary works in the river channel required for the execution of the same.

Work No. 2—An access road in the parish of Moor Monkton commencing at Hall Lane, otherwise known as Red House Lane, at reference point SE52635697 and terminating in Work No. 1.

Work No. 3—Improvement and widening of Hall Lane, otherwise known in whole or part as Burnt Close Lane, Cockhill Lane or Red House Lane, in the said parish commencing at reference point SE51605545 and terminating in Work No. 2.

Works to form part of undertaking.

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

Power to divert watercourses.

6.—(1) The Authority may divert and alter the course or the flow of water in, into or out of any watercourse on any lands acquired or appropriated by them for the works authorised by this order, and the existing bed, banks and channel of the diverted portion of such watercourse shall by virtue of this order vest in the Authority and may be appropriated and used by the Authority for the purposes of or in connection with those works.

(2) In the exercise of the powers conferred by this section the Authority shall cause as little detriment and inconvenience to any person as circumstances admit.

7.—(1) The Authority during and for the purposes of the execution of any of the works authorised by this order may temporarily alter, divert or otherwise interfere with any highway or any private right of way and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway or the right of way from passing along or using the same.

(2) The Authority shall provide reasonable access for foot passengers with or without animals, bona fide going to or from any such land, house or building.

(3) The powers of subsection (1) of this section shall not be exercised in relation to a highway without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment) as the highway authority may require, and any question whether such consent is unreasonably withheld, or any conditions so imposed are unreasonable, shall be determined by a person appointed by the President of the Institution of Civil Engineers.

(4) The exercise of the powers conferred by this section in relation to a highway shall not affect the powers of the Post Office under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or to open or break up that highway for any of those purposes.

8. Subject to the provisions of this order, the Authority may purchase compulsorily such lands shown on the deposited plan within the limits of deviation and of lands to be acquired as they may require for the purposes of the construction of the works authorised by this order.

SCHEDULE

PROVISIONS OF THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Part II (Works and Lands)	In section 2 for the words "plans submitted to the Minister" there shall be substituted the words "deposited plan". In section 4 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 lands delineated on the deposited plan;" and after the word "buildings" there shall be inserted the words "roads, means of access, means of electrical communication, embankments, fences, piers, bridges, chambers, meters, valves, discharge pipes, drains, overflows".
Part IV (Minerals Underlying Waterworks)	In section 12 [illegible] the words "after this section is incorporated with their enactments" there shall be substituted the words

SCHEDULE—*continued*

Provisions applied (1)	Modifications (2)
	"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 82 (Power to enter premises)	—
Section 83 (Penalty for obstructing execution of special Act)	—
Section 85 (Summary proceedings for offences)	—
Section 86 (Continuing offences and penalties)	—
Section 87 (Restriction on right to prosecute)	—
Section 88 (Inclusion of several sums in one complaint &c.)	—
Section 89 (Appeals and applications to courts of summary jurisdiction)	—
Section 90 (Appeals to quarter sessions against decisions of justices)	—
Section 91 (Mode of reference to arbitration)	—
Section 92 (Liability of Undertakers to pay compensation)	—
Section 93 (Protection for works of navigation authorities and for catchment boards and railways)	—
Section 94 (Copies of the special Act to be kept by undertakers in their office and deposited with certain officers)	—

Signed by authority of
the Secretary of State
21st February 1977

R. G. Semple,
An Under Secretary in the
Department of the Environment.

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