STATUTORY INSTRUMENTS

1989 No. 544

WATER, ENGLAND AND WALES

The Yorkshire Water Authority (Ryburn Valley Water Supply) Order 1989

Made - - - -	*22nd March 1989*
Coming into force	*23rd March 1989*

The Secretary of State for the Environment, on the application of the Yorkshire Water Authority, being statutory water undertakers(a), and in exercise of powers conferred by sections 23, 32(1) and 59(1)(b) of the Water Act 1945(c) and now vested in him(d), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Yorkshire Water Authority (Ryburn Valley Water Supply) Order 1989 and shall come into force on 23rd March 1989.

(2) The Yorkshire Water Authority Orders 1974 to 1988 and this Order may be cited together as the Yorkshire Water Authority Orders 1974 to 1989.

(3) In this Order–

"the Authority" means the Yorkshire Water Authority;

"the authorised works" means the two water storage tanks each with an inlet main and an outlet main, and an access track, shown on the deposited plan;

"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 (Ryburn Valley Water Supply) Order 1989", one duplicate of which is deposited and available for inspection at the principal office of the Authority at West Riding House, Albion Street, Leeds LS1 5AA, and the other at the offices of the Secretary of State for the Environment, Romney House, 43 Marsham Street, London SW1P 3PY;

"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.

Power to acquire land and construct and maintain works

2.—(1) The Authority may construct and maintain the authorised works on the land described in Schedule 1 to this Order.

(2) For the purpose of carrying out the authorised works the Authority are hereby authorised to acquire compulsorily the land described in Schedule 1 to this Order.

Works to form part of the undertaking

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

(a) *See* the Water Act 1973 (c.37), section 11(6).
(b) *See* the definition of "Minister".
(c) 1945 c.42; section 23 was extended by the Water Act 1948 (c.22), section 3, and the Compulsory Purchase Act 1965 (c.56), section 33(2). There are other amendments to sections 23 and 32, but none relevant to this Order.
(d) S.I. 1951/142, 1900, 1970/1681.

Incorporation of enactments

4.—(1) The provisions of the Third Schedule specified in column (1) of Schedule 2 to this Order shall apply to the undertaking, subject to the modifications set out in column (2) thereof.

(2) For the purposes of section 13 of the Third Schedule as so applied, the prescribed distance shall be two hundred metres.

(3) Part I of the Compulsory Purchase Act 1965(a) shall apply to this order subject to the following exceptions and modifications:–

(a) omit section 27 (acquiring authority to make good deficiencies in rates);

(b) in Schedule 3 (alternative procedure for obtaining right of entry), omit paragraph 3(3).

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

Signed by authority of
the Secretary of State
22nd March 1989

SCHEDULE 1

DESCRIPTION OF LAND

1.—(1) Land at Wholestone Quarry, Saddleworth Road, Barkisland in the District of Calderdale in the County of West Yorkshire shown edged pink on the deposited plan, having an area of 2.05 acres or thereabouts and forming part of enclosure number 1637 on the Ordnance Survey 1:2500 map sheet reference SE 0518 (1962 edition).

(a) 1965 c.56.

SCHEDULE 2

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	*Modifications* (2)
Part II (Works and Lands)	In section 2, for the words "plans submitted to the Minister", substitute "deposited plans". In section 4– (i) omit the words "and to any other provisions of the special Act limiting the power of the undertakers to abstract water"; (ii) for the words "any land for the time being held by them in connection with their water undertaking", substitute "the lands delineated on the deposited plans"; (iii) after the word "buildings" insert "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– (i) for the words "after this section is incorporated with their special enactments", substitute "under the special Act"; (ii) for the words "all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them", substitute "all such pipes or other conduits or other underground works"; and (iii) omit the words "for the time being belonging to them".
Part XVI (General and miscellaneous) (except sections 79–81 and 84)	In section 94(1)(**a**), for the words from "the council of" to the end of the subsection, substitute "the council of every county and district affected by the special Act".

(a) Section 94(1) was amended by S.I. 1986/1.