STATUTORY INSTRUMENTS

# 1987 No. 1237

# WATER, ENGLAND AND WALES

## The Yorkshire Water Authority (Studforth Boreholes) Order 1987

| | |
|---|---|
| *Made - - -* | *13th July 1987* |
| *Coming into force -* | *14th July 1987* |

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

**Citation and commencement**

**1.**—(1) This Order may be cited as the Yorkshire Water Authority (Studforth Boreholes) Order 1987 and shall come into force on 14th July 1987.

(2) This Order shall be included among the enactments which may be cited together as the Yorkshire Water Authority Orders 1974 to 1987.

**Interpretation**

**2.** In this Order—

"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 (Studforth Boreholes) Order 1987", 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 water undertaking of the Authority as for the time being authorised by any enactment.

**Application of Third Schedule**

**3.** For the purposes of this Order, the provisions of the Third Schedule which are specified in column (1) of Schedule 1 to this Order shall, subject to the modifications set out in column (2) of that Schedule, apply to the undertaking and are hereby incorporated with this Order.

**Power to continue, construct and maintain works**

**4.** The Authority may—

(a) continue and maintain the existing borehole on and under the land owned by them described in Schedule 2 to this Order;

(b) construct and maintain an additional borehole on and under that land;

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(a) *See* the definition of Minister.
(b) 1945 c.42.
(c) S.I. 1951/142, 1900, 1970/1681.

(c) construct and maintain on and under that land (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this Order) all such pumping stations, wells, boreholes, adits and headings as may be necessary or expedient for augmenting or improving the supply of water obtained by means of the said boreholes.

**Works to form part of undertaking**

**5.** The works authorised by this Order 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 powers to construct subsidiary works) | The words "and to any other provision 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 Schedule 2 to the special Act". |
| 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) | In subsection (1)**(a)** for the words from "London borough" to the end of the subsection there shall be substituted the words "non-metropolitan district affected by the special Act.". |

## SCHEDULE 2

### LAND ON AND UNDER WHICH WORKS MAY BE CONSTRUCTED CONTINUED AND MAINTAINED UNDER THIS ORDER

Land in the Parish of Cundall with Leckby in the District of Harrogate in the County of North Yorkshire shown coloured pink on the deposited plan containing an area of 0.0427 hectares or thereabouts and forming part of the enclosure numbered 5369 on the 1:2500 Ordnance Map sheet no. SE 4072–4172 (Edition of 1974).

Signed by authority of the Secretary of State

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

13th July 1987

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

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