

1973 No. 1183

WATER SUPPLY, ENGLAND AND WALES

The East Devon Water Order 1973

Made - - -
Coming into Operation

5th July 1973
17th July 1973

The Secretary of State for the Environment in exercise of powers conferred by section 23 of the Water Act 1945(a) and now vested in him (b) and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the East Devon Water Order 1973 and shall come into operation on the 17th July 1973. Citation and commencement

(2) The East Devon Water Orders 1951 to 1972 and this order may be cited together as the East Devon Water Orders 1951 to 1973.

2.—(1) In this order, unless the context otherwise requires, expressions to which meanings are assigned by the Third Schedule have the same respective meanings: and— Interpretation.

“the Board” means the East Devon Water Board;

“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 East Devon Water Order 1973” one duplicate of which is deposited and available for inspection at the offices of the Board 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 Board as for the time being authorised by any enactment.

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

3.—(1) Subject to the provisions of this order the Board may on and under the land described in Schedule 1— Power to construct works.

(a) continue and maintain the existing borehole No. 7;

(b) construct and maintain borehole headworks.

(2) The Board may also, when they have acquired the necessary lands or obtained sufficient rights therein, construct and maintain a line of pipes beginning at the existing borehole No. 7 and ending at the Dotton Waterworks as shown in red on the deposited plan.

(a) 1945 c. 42.

(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).

Works to form part of undertaking.

4. The works authorised by section 3 of this order shall for all purposes be deemed to form part of the undertaking.

Incorporation of enactments.

5. 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) thereof, apply to the undertaking and are hereby incorporated with this order.

SCHEDULE 1

DESCRIPTION OF LAND

Approximately 0.10 acres of land in the rural district of St. Thomas in the county of Devon comprising part of the enclosure No. 0001 on the 1/2500 ordnance map of Devon sheet No. SY 0788 (revision of 1960) and shown coloured pink on the deposited plan.

SCHEDULE 2

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Section 4 (General Power to construct 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 "their water undertaking" there shall be substituted the words "the authorised works"
Section 6 (Penalty for obstructing construction of works)	—
Section 8 (Persons under disability may grant easements, etc.)	—
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)	—

Signed by authority of
the Secretary of State
5th July 1973

J. E. Beddoe,
An Under Secretary in
the Department of the
Environment