

1974 No. 1205

WATER, ENGLAND AND WALES

**The North West Water Authority (Bowscar Borehole)
Order 1974**

Made 11th July 1974

Coming into Operation 1st August 1974

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. This order may be cited as the North West Water Authority (Bowscar Borehole) Order 1974 and shall come into operation on 1st August 1974. Citation and commencement.

2. 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 Authority” means the North West 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 North West Water Authority (Bowscar Borehole) Order 1974”, one duplicate of which is deposited and available for inspection at the offices 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 undertaking of the Authority as for the time being authorised by any enactment.

3. The Authority may, when they have acquired the necessary lands or sufficient rights or interest therein— Power to continue, construct and maintain works.

(a) continue and maintain the existing borehole constructed on or under the land described in Schedule 1 to this order;

(b) construct and maintain on the said land a pumping station (to be known as “the Bowscar pumping station”) and a borehole; and

(c) construct and maintain (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by

(a) 1945 c.42. (b) S.I. 1951/142, 1900, 1970/1681 (1971 I, pp.1348, 1347; 1970 III, p. 5551).

this order) all such wells, boreholes, adits and headings as may be necessary for the purpose of abstracting water by means of the said pumping station and borehole.

4. The works authorised by this order shall for all purposes form part of the undertaking. Works to form part of undertaking.

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 modifications set out in column (2) of the said Schedule, apply to the undertaking and are hereby incorporated with this order. Application of provisions of Third Schedule.

SCHEDULE 1

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

407 square metres or thereabouts of land in the District of Eden in the County of Cumbria coloured pink on the deposited plan being 250 metres on the south-west side of Bowscar Farm and comprising part of enclosure No. 1737 on the 1/2500 Ordnance map of Cumberland Sheet 5134 (edition of 1967).

SCHEDULE 2

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; after the word "land" there shall be inserted the words "described in the special Act and"
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
11th July 1974

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