

1976 No. 2035

WATER, ENGLAND AND WALES

**The Yorkshire Water Authority (Elmswell Wold
Borehole) Order 1976**

Made - - - - 29th November 1976

Coming into Operation 13th December 1976

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 Yorkshire Water Authority (Elmswell Wold Borehole) Order 1976 and shall come into operation on 13th December 1976. Citation and commencement.

(2) This order shall be included among the enactments which may be cited together as the Yorkshire Water Authority Orders 1974 to 1976.

2. In this order, unless the context otherwise requires— Interpretation.

“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 (Elmswell Wold Borehole) Order 1976”, one duplicate of which is deposited and available for inspection at the offices of the Solicitor of the Authority at West Riding House, 67 Albion Street, Leeds 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. 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 the said Schedule 1, apply to the undertaking and are hereby incorporated with this order. Application of Third Schedule.

4. The Authority may, when they have acquired the necessary land or sufficient rights therein, construct and maintain on and under the land described in Schedule 2 to this order a borehole and a switchgear and chlorinator house together with (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 obtainable by means of the said borehole. Power to construct works.

5. The borehole and any other works constructed in pursuance of this order shall for all purposes be deemed to form part of the undertaking. Works to form part of the undertaking.

(a) 1945 c. 42.

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

SCHEDULE 1

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; 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 the special Act". |
| Section 92 (Liability of undertakers to pay compensation) | — |
| Section 94 (Copies of the special Act to be kept by undertakers in their office, and deposited with certain officers) | — |

SCHEDULE 2

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

Land in the Parish of Garton on the Wolds in the District of North Wolds in the County of Humberside shown coloured pink on the deposited plan containing an area of 0.924 of an acre or thereabouts and being part of the enclosure numbered 32 in the said parish on the 1:2500 Ordnance map of Yorkshire (East Riding) sheet number 161/3 (edition of 1927).

Signed by authority of
the Secretary of State
29th November 1976.

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