
STATUTORY INSTRUMENTS

1976 No. 2170

WATER, ENGLAND AND WALES

The Sutton District Water (No. 2) Order 1976

Made - - - - 14th December 1976

Coming into Operation 17th February 1977

The Secretary of State for the Environment, in exercise of powers conferred by section 23 of the Water Act 1945(a) as extended by section 3 of the Water Act 1948(b) and section 33(2) of the Compulsory Purchase Act 1965(c) and now vested in him (d), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Sutton District Water (No. 2) Order 1976. Citation.

(2) This order shall be included among the enactments which may be cited together as the Sutton District Water Acts and Orders 1871 to 1976.

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

“the Company” means the Sutton District Water Company;

“the deposited plans” and “the deposited sections” mean respectively the plans and sections prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked “Plans and sections referred to in the Sutton District Water (No. 2) Order 1976”, one duplicate of which has been deposited and is available for inspection at the principal office of the Company and the other in the offices of the Secretary of State for the Environment;

“street” has the same meaning as is given to that word in the Water Act 1945;

“the Third Schedule” means the Third Schedule to the Water Act 1945;

“the undertaking” means the undertaking of the Company as for the time being authorised by any enactment.

3.—(1) In its application in relation to this order Part I of the Compulsory Purchase Act 1965 shall have effect as if section 27 thereof were omitted. Application of certain enactments.

(2) For the purposes of this order the provisions of the Third Schedule which are specified in the Schedule to this order shall, subject to the modifications set out in column (2) thereof apply to the lines of pipes authorised by this order and are hereby incorporated with this order.

(a) 1945 c. 42.

(b) 1948 c. 22.

(c) 1965 c. 56.

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

Power to take lands.

4. Subject to the provisions of this order, the Company may purchase compulsorily such of the lands (not forming part of any street) within the limits of lands to be acquired shown on the deposited plans as they may require for the purposes of the laying of the lines of pipes authorised by this order.

Power to lay pipelines.

5.—(1) The Company may lay the following lines of pipes—

Pipeline No. 1—a line or lines of pipes in the London Borough of Sutton commencing at the Company's treatment works at Cheam at reference point TQ24956421 and terminating at reference point TQ 22716670.

Pipeline No. 2—a line or lines of pipes in the London Borough of Sutton commencing by a junction with Pipeline No. 1 at reference point TQ24706536 and terminating at reference point TQ24716557.

Pipeline No. 3—a line or lines of pipes in the London Borough of Sutton and the London Borough of Merton commencing in the London Borough of Sutton by a junction with Pipeline No. 1 at reference point TQ22716669 and terminating in the London Borough of Merton by a junction with the sewer of the Thames Water Authority at reference point TQ23296823.

(2) References in this section to reference points shall be construed as references to the National Grid reference points.

Pipelines to form part of undertaking.

6. The lines of pipes authorised by this order shall for all purposes form part of the undertaking.

Costs of order.

7. The costs, charges and expenses of and incidental to the application for and the preparation and making of this order may in whole or in part be defrayed by the Company out of revenue.

SCHEDULE

PROVISIONS OF THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Section 2 (Permissible limits of deviation)	For the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plans and sections" and for the words "said plans" there shall be substituted the words "deposited sections".
Section 5 (Power of undertakers to lay or erect telephone wires &c.)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 7 (Power to acquire easements for underground works)	—
Section 8 (Persons under disability may grant easements &c.)	—
Section 9 (Extinction of private rights of way)	—

Provisions applied (1)	Modifications (2)
Part IV (Minerals Underlying Water-works)	In section 12 for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them" there shall be substituted the words "all such pipes or other conduits or underground works"; and the words "for the time being belonging to them" shall be omitted.
Section 22 (Power to break open streets)	After the words "within their limits of supply" there shall be inserted the words "and in the London borough of Merton"; for the words "mains, service pipes, plant or other works," there shall be substituted the words "the lines of pipes authorised to be laid, under the Sutton District Water (No. 2) Order 1976" and the words "and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting, repairing, renewing or removing mains," shall be omitted.
Section 25 (Protection for railway companies, navigation authorities, tramway undertakers &c.)	—
Section 27 (Remedies where undertakers fail to comply with foregoing requirements)	—
Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense)	—
Section 83 (Penalty for obstructing execution of special Act)	—
Section 84 (Power to require occupier to permit works to be executed by owner)	—
Section 85 (Summary proceedings for offences)	—
Section 86 (Continuing offences and penalties)	—
Section 87 (Restriction on right to prosecute)	—
Section 92 (Liability of undertakers to pay compensation)	—
Section 93 (Protection for works of navigation authorities and for catchment boards and railways)	—

Provisions applied (1)	Modifications (2)
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
14th December 1976.

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