

1977 No. 1526

WATER, ENGLAND AND WALES

The Mid-Sussex Water (Forest Row Borehole)

Order 1977

Made - - - - 13th September 1977

Coming into Operation 28th September 1977

The Secretary of State for the Environment, in exercise of powers conferred by section 23, as extended by section 3 of the Water Act 1948(a) and section 33(2) of the Compulsory Purchase Act 1965(b), and section 50 of the Water Act 1945(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 Mid-Sussex Water (Forest Row Borehole) Order 1977. Citation.

(2) The Mid-Sussex Water Acts and Orders 1881 to 1976 and this order may be cited together as the Mid-Sussex Water Acts and Orders 1881 to 1977.

2. In this order—

“the Company” means the Mid-Sussex Water Company;

“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 Mid-Sussex Water (Forest Row Borehole) Order 1977”, one duplicate of which has been deposited and is available for inspection at the office of the Company and the other at the office 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 Company as for the time being authorised by any enactment.

Interpretation.

3. In its application in relation to this order, Part I of the Compulsory Purchase Act 1965 shall have effect subject to the following modifications:— Incorporation of enactments.

(a) subsection (2) of section 11 (Powers of entry) shall have effect as if at the end of the first paragraph thereof there were inserted the words “(other than paragraph 3(3) thereof)”; and

(b) section 27 (Acquiring authority to make good deficiencies in rates) shall be omitted.

4.—(1) Subject to the provisions of this order, the Company may purchase compulsorily such of the lands delineated and coloured pink, yellow and green on the deposited plan as may be required for the works Power to purchase lands.

(a) 1948 c. 22. (b) 1965 c. 56. (c) 1945 c. 42.
S.I. 1951/142, 1900, 1970/1681 (1951 I, p. 1348, 1347; 1970 III, p. 5551).

authorised by this order and such of the lands delineated and coloured brown on the deposited plan as may be required for purposes of access to the said first-mentioned lands.

(2) Notwithstanding the provisions of subsection (1) of this section the Company shall not purchase compulsorily any of the land coloured brown or green on the deposited plan if the owner or owners of such land is or are able and willing to grant or sell to the Company (at a price to be agreed or, failing agreement, to be determined in accordance with the provisions of the Land Compensation Act 1961(a)) such easements and rights over and in that land as the Company may in the circumstances require.

Maintenance and construction of works.

5. The Company may—

- (a) continue and maintain the existing borehole on and under the land (hereinafter called "the pink land") firstly described in Schedule 1 to this order;
- (b) construct and maintain on and under the pink land (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this order) such pumping stations and other works as may be necessary or expedient for maintaining, improving or augmenting the supply of water by means of the said borehole;
- (c) construct and maintain, on the land secondly described in Schedule 1 to this order, a transformer station and an electronic control kiosk; and
- (d) construct and maintain, in the situations and lines shown on the deposited plan, a line or lines of pipes commencing at the pink land and terminating at the collection tanks of the Company at Forest Row together with such cables as may be required for connecting any works constructed under paragraphs (a), (b) and (c) of this section.

Works to form part of undertaking.

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

Application of Third Schedule.

7. For the purposes of this order the provisions of the Third Schedule which are set out in column (1) of Schedule 2 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.

Revocation

8. Section 10 (Power to take water) of the Mid-Sussex Water Order 1963(b) is hereby revoked.

SCHEDULE 1

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

1. The lands in the District of Wealden in the County of East Sussex (and formerly in the rural district of Uckfield) shown coloured pink on the deposited plan, having an area of 680 square metres (7,183 sq. ft.) or thereabouts and

(a) 1961 c. 33.

(b) S.I. 1963/1951

being part of the enclosure numbered 0004 in the said district on the 1/2500 ordnance map of East Sussex, sheet TQ4435.

2. The lands in the said District and County shown coloured yellow on the deposited plan, having an area of 32 square metres (344.5 sq. ft.) or thereabouts and being part of the enclosure numbered 2600 in the said district on the 1/2500 ordnance map of East Sussex, sheet TQ4435.

SCHEDULE 2

PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Part II (Works and Lands)	In section 4, the words "and to any other provisions of the special Act limiting the powers of the undertakers to abstract water" shall be omitted; 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" and after the word "plant" there shall be inserted the word "cables".
Part IV (Minerals Underlying Waterworks)	—
Section 91 (Mode of reference to arbitration)	—
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.

13th September 1977

A. G. Semple

An Under Secretary in the
Department of the Environment.