

1977 No. 1800

WATER, ENGLAND AND WALES

The Portsmouth (Brickkiln Pumping Station) Water Order 1977

Made - - - 2nd November 1977

Coming into Operation 21st November 1977

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 Portsmouth (Brickkiln Pumping Station) Water Order 1977 and shall come into operation on 21st November 1977. Citation and commencement.

(2) The Portsmouth Water Acts and Orders 1857 to 1971 and this order may be cited together as the Portsmouth Water Acts and Orders 1857 to 1977.

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

Inter-pretation.

“the Company” means the Portsmouth 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 Portsmouth (Brickkiln Pumping Station) Water Order 1977”, one duplicate of which is deposited and is available for inspection at the principal office of the Company 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 Company as from time to time authorised by any enactment.

3. For the purposes of this order the provisions of the Third Schedule specified in column (1) of Schedule 1 to this order shall, subject to the modifications set out in column (2) thereof, apply to the undertaking and, subject as aforesaid, are hereby incorporated with this order. Application of provisions of Third Schedule.

4. The Company may, when they have acquired the necessary lands or obtained sufficient rights therein— Power to construct works.

(a) continue and maintain the two existing boreholes constructed on or under the lands described in Schedule 2 to this order and construct and maintain on or under such lands a pumping station (to be called the “Brickkiln Pumping Station”) for the purpose of abstracting water from the said boreholes;

(a) 1945 c. 42.

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

(b) construct and maintain on or under the lands described in the said Schedule 2 (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this order) all such additional boreholes, wells, adits, headings and other works as may be necessary or expedient for the purpose of abstracting water by means of the works authorised by paragraph (a) of this section.

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

6. All 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 out of revenue.

Works to form part of undertaking.

Costs of order.

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 lands described in Schedule 2 to the special Act"; and after the word "plant" there shall be inserted the words "chambers, washouts, junctions, valves, gauges, generating plant, cables, retaining walls, roads, means of access".
Section 6 (Penalty for obstructing construction of works).	—
Part IV (Minerals Underlying Waterworks).	—
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).	—

SCHEDULE 2

DESCRIPTION OF LAND

Land in the Parish of West Dean in the District of Chichester in the County of West Sussex comprising part of the enclosure numbered 8 in the said parish on the 1/2500 ordnance map of West Sussex, sheets XLVIII 2 and 6 (1912 edition), containing 0.366 hectares or thereabouts and more particularly delineated on the deposited plan and thereon coloured pink.

A. G. Semple,

Signed by authority of
the Secretary of State
2nd November 1977.

An Under Secretary in the
Department of the Environment.