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STATUTORY INSTRUMENTS

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1985 No. 93

**WATER, ENGLAND AND WALES**

**The Welsh Water Authority (Vowchurch Boreholes) Order 1984**

*Made* - - - - - *5th December 1984*  
*Coming into Operation* *11th January 1985*

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:—

*Citation*

1.—(1) This order may be cited as the Welsh Water Authority (Vowchurch Boreholes) Order 1984.

(2) This order shall be included among the enactments which may be cited together as the Welsh Water Authority Orders 1976 to 1984.

*Interpretation*

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

“the Authority” means the Welsh 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 Welsh Water Authority (Vowchurch Boreholes) Order 1984”, one duplicate of which is deposited and available for inspection at the offices of the Authority at St Nicholas House, St Nicholas Street, Hereford 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 water undertaking of the Authority as for the time being authorised by any enactment;

“the authorised works” means the works authorised by this order.

*Application of certain provisions of Third Schedule*

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.

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(a) 1945 c.42.

(b) 1948 c.22.

(c) 1965 c.56.

(d) S.I. 1951/142, 1900, 1970/1681.

*Incorporation of enactments*

4. There shall be exempted from Part 1 of the Compulsory Purchase Act 1965 as applying in relation to this order the provisions of section 27 and paragraph 3(3) of Schedule 3 to that Act.

*Power to purchase land*

5.—(1) Subject to the provisions of this order the Authority may purchase compulsorily all or any of the land described in Schedule 2 to this order which may be required for the construction of the authorised works.

(2) Notwithstanding anything in subsection (1) hereof, the Authority shall not purchase compulsorily any part of the land described in the said Schedule 2 if the owner thereof is ready and willing to grant or sell to the Authority at a price to be agreed or, failing agreement, to be determined in accordance with the provisions of the Land Compensation Act 1961 (a) as amended by the Land Compensation Act 1973 (b), such easements and rights over that part as the Authority may require for the purposes of this order.

*Power to construct and maintain works*

6. The Authority may—

- (a) construct and maintain on the land referred to in Schedule 2 to this order three boreholes at National Grid References SO3661 3564, SO3667 3550 and SO3671 3531 respectively and a borehole and plant house at National Grid Reference SO3653 3576; and
- (b) construct and maintain in and on the said land (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, adits and headings as may be necessary or expedient for the purpose of abstracting water or monitoring the abstraction of water by means of the said boreholes and plant house.

*Works to form part of undertaking*

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

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(a) 1961 c.33.

(b) 1973 c.26.

## SCHEDULE 1

### PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions Applied (1)	Modifications (2)
Section 4 (General power to construct subsidiary work)	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 lands described in the special Act"; and after the word "buildings" there shall be inserted the words "means of access".
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	In subsection (1) for the words from "with the clerk of the council" to the end of the subsection, there shall be substituted the words "with the council of every county and district affected by the special Act".

## SCHEDULE 2

Land in the Parish of Vowchurch in the District of South Herefordshire in the County of Hereford and Worcester at or near National Grid References SO3653 3576, SO3661 3564, SO3667 3550 and SO3671 3531 being part of the Enclosures numbered 5183, 6764 and 7932 on the 1/2500 map of Herefordshire, Sheet S03635 (1972 edition) and more particularly delineated on the deposited plan and thereon coloured red and containing in total 0.060 hectare or thereabouts.

Signed by the authority  
of the Secretary of State  
5th December 1984.

*J.A.L. Gunn,*  
An Under Secretary in the  
Department of the Environment.