

---

STATUTORY INSTRUMENTS

---

**1987 No. 1597**

**WATER, ENGLAND AND WALES**

**The Hartlepoons Water (Red Barns Borehole) Order 1987**

*Made - - - - 7th September 1987*

*Coming into force - - 8th September 1987*

The Secretary of State for the Environment, in exercise of the powers conferred by sections 23, 32(1) and 59(1)(1) of the Water Act 1945(2) and now vested in him(3), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1.—(1) This Order may be cited as the Hartlepoons Water (Red Barns Borehole) Order 1987 and shall come into force on 8th September 1987.

(2) The Hartlepoons Water (Consolidation, etc.) Order 1986(4), the enactments mentioned in Part III of Schedule 4 to that Order (being protective provisions expressly excluded from repeal by that Order) and this Order may be cited together as the Hartlepoons Water Acts and Orders 1874 to 1987.

**Interpretation**

2. In this Order—

“Company” means the Hartlepoons Water Company;

“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 Hartlepoons Water (Red Barns Borehole) Order 1987” 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;

“land” means the land described in Schedule 1 to this Order;

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

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

---

(1) See The definition of “Minister”.

(2) 1945 c. 42.

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

(4) S.I. 1986/401.

### **Application of provisions of Third Schedule**

3. For the purpose of this Order the provisions of the Third Schedule which are specified 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.

### **Power to continue, construct and maintain works**

4.—(1) The Company, being the owner of the land, may—

- (a) continue and maintain the existing borehole which has been constructed on or under the land;
- (b) construct and maintain on or under the land (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking) all such wells, boreholes, adits and headings as may be necessary or expedient for augmenting or improving the supply of water obtainable by means of the borehole authorised by this Order to be continued and maintained.

(2) The works authorised by this Order shall for all purposes be deemed to form part of the undertaking.

### **Costs of Order**

5. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and making of this Order shall be paid by the Company and may be paid by them in whole or in part out of revenue.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

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

Land in the parish of Hutton Henry in the district of Easington in the county of Durham shown edged red on the deposited plan having an area of 0.14 hectares or thereabouts and comprising part of the enclosure numbered 3773 on the sheet numbered NZ 4234 on the 1:2500 Ordnance Map.

## SCHEDULE 2

### PROVISIONS OF THE THIRD SCHEDULE APPLIED

(1) Provisions applied	(2) Modifications
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)	In subsection (1)(5) the words from “metropolitan district” to the end of the subsection shall be omitted.

Signed by authority of the Secretary of State

7th September 1987

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

(5) Section 94(1) was amended by S.I. 1986/1.