

**Water Supply (Belfast)**

ORDER, DATED 20TH JULY, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION NINE OF THE WATER SUPPLIES AND SEWERAGE ACT (NORTHERN IRELAND), 1945.

1948. No. 202

1945 C. 17.

WHEREAS the Belfast City and District Water Commissioners (in this Order referred to as "the Commissioners") have applied to the Ministry of Health and Local Government for Northern Ireland (in this Order referred to as "the Ministry") for an order under section nine of the Water Supplies and Sewerage Act (Northern Ireland), 1945 (in this Order referred to as "the Act") authorising the Commissioners to construct the works hereinafter described, to borrow money for the purposes of the Commissioners and to increase the Reserve Fund of the Commissioners:

AND WHEREAS the Ministry has, prior to the making of this Order, published the notices required by the Act to be published:

NOW, THEREFORE, the Ministry, in exercise of the powers conferred upon it by section nine of the Act and of all other powers enabling it in that behalf, hereby makes the following Order:—

Short and Collective Titles and Citation.

1.—(1) This Order may be cited as the Belfast Water Order (Northern Ireland), 1948.

(2) The Belfast Water Acts 1840 to 1938 and this Order may be cited together as the Belfast Water Acts and Orders (Northern Ireland), 1840 to 1948 and shall be read and construed together as one Act.

Incorporation of Railways Clauses Consolidation Act, 1845.

2. The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated in this Order so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order and in such provisions for the purposes of this Order "the railway" means the waterworks authorised by this Order and "the centre of the railway" means the centre of such waterworks respectively.

Interpretation.

3.—(1) In this Order the several words and expressions to which meanings are assigned by the Belfast Water Acts 1840 to 1938 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

And in this Order:—

"The Act of 1893" means the Belfast Water Act, 1893;

"The Act of 1899" means the Belfast Water Act, 1899;

"The Act of 1912" means the Belfast Water Act, 1912;

"The Act of 1920" means the Belfast Water Act, 1920;

“ The Act of 1923 ” means the Belfast Water Act (Northern Ireland), 1923 ;

“ The Act of 1924 ” means the Belfast Water Act (Northern Ireland), 1924 ;

“ enactment ” means any Act of Parliament, whether public general, local or private, any statutory order or any provision in an Act of Parliament or statutory order ;

“ the deposited plans ” and “ the deposited sections ” mean respectively the plans and sections submitted to the Ministry in connection with the application for this order ;

“ statutory order ” means an order or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament ;

(2) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of this Order in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

4.—(1) Subject to the provisions of this Order and without prejudice to any of the powers conferred on the Commissioners by any other enactment the Commissioners may make, construct and maintain in the lines and according to the levels shown on the deposited plans and sections the several works shown on those plans as hereinafter described.

Power to  
construct  
works.

(2) The works hereinbefore referred to comprise the following principal works situate in the Parish of KILKEEL in the County of DOWN :—

- (a) Work No. 1.—A weir and intake across an unnamed tributary of the ANNALONG RIVER at a point 1000 feet or thereabouts above the junction of the said tributary with the ANNALONG RIVER :
- (b) Work No. 2.—A conduit commencing at Work No. 1 and terminating in the ANNALONG RIVER at a point 1200 feet or thereabouts above the junction hereinbefore referred to :
- (c) Work No. 3.—A weir and intake across the ANNALONG RIVER at a point 900 feet or thereabouts above the junction hereinbefore referred to :
- (d) Work No. 4.—A tunnel approximately  $2\frac{1}{4}$  miles in length commencing at Work No. 3 passing under SLIEVE BIGNIAN and through the Townlands of MONEYDORRAGH MORE UPPER, BALLYVEAGH MORE UPPER, BALLYVEAGH BEG UPPER, BRACKENAGH EAST UPPER, BRACKENAGH WEST UPPER AND CARRIGENAGH UPPER to a point shown on the deposited plans on the east side of the existing SILENT VALLEY reservoir of the Commissioners :
- (e) Work No. 5.—A screening chamber at a point South of the said existing reservoir and alongside the existing screening chamber of the Commissioners there :

- (f) Work No. 6.—An aqueduct or line or lines of pipes under pressure approximately  $4\frac{1}{2}$  miles in length commencing at Work No. 5 passing through the Townlands of CARRIGENAGH UPPER, CARRIGENAGH, BRACKENAGH WEST, BRACKENAGH EAST, BALLYVEAGH BEG, BALLYVEAGH MORE, MONEYDORRAGH MORE, MONEYDORRAGH MORE UPPER and MULLARTOWN and terminating in the ANNALONG VALLEY at the existing straining well of the Commissioners :
- (g) Work No. 7.—A reservoir for the storage of the water of the MILL RIVER situate in the valley of the MILL RIVER to be formed by a dam across the said valley between BEN CROM and SLIEVE LAMAGAN in the Townland of MOURNE MOUNTAINS EAST.

(3) In the construction of the works authorised by this Order the Commissioners may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and, where on any street no such limits are shown, the boundaries of the street (including for this purpose any verge or roadside waste adjoining it) shall be deemed to be such limits, and they may also deviate vertically from the levels shown on the deposited sections to any extent :

Provided that —

- (a) no embankment or dam for a reservoir shall be constructed at a greater height above the general surface of the ground than that shown on the deposited sections and six feet in addition thereto ; and
- (b) except for the purpose of crossing a river, stream, canal, dyke, watercourse or railway, or of crossing any lands where the consent of all persons having a legal interest therein has been obtained, no pipe or other conduit or aqueduct shall be raised above the surface of the ground otherwise than in accordance with the deposited sections.

(4) The Commissioners, in addition to the works confirmed or authorised by this Order, may, in, on or over any land for the time being held by them in connection with their water undertaking, construct, lay or erect for the purposes thereof, or in connection therewith, and may maintain and from time to time alter, enlarge, extend, renew or reconstruct such reservoirs, sluices, tanks, cisterns, aqueducts, tunnels, culverts, mains, pipes, engines, pumps, machinery, filters, treatment plant, roads, buildings and things for, or in connection with, the supply of water as they deem necessary :

Provided that any electrical works or apparatus constructed, laid or erected under this paragraph shall be so constructed, laid or erected, and so maintained and used, as to prevent interference with any telegraphic line belonging to or used by the Postmaster General, or with telegraphic communication by means of any such line.

5. Subject to the provisions of this Order the works sanctioned and confirmed by and to be constructed under the authority of this Order shall for all purposes whatsoever be and be deemed part of the undertaking of the Commissioners. Works to form part of undertaking.

6.—(1) The Commissioners may apply for any of the purposes of this Order to which capital is properly applicable any moneys borrowed or to be borrowed by them under the Belfast Water Acts 1840 to 1938 and this Order. Application of existing funds to purpose of Order.

(2) The Commissioners may from time to time borrow on mortgage of the rates to be assessed and levied under the authority of the Belfast Water Acts 1840 to 1938 and this Order and the other revenues of the undertaking, in addition to the moneys they are already authorised to borrow, such further sum or sums of money not exceeding one million pounds as shall from time to time be requisite for the purposes of this Order and the general purposes of the undertaking and they may grant mortgages for securing the money so borrowed charged on the said rates and revenue PROVIDED always that the amount borrowed previous to the making of this Order and remaining due at that date under the authority of the Belfast Water Acts 1840 to 1938 and the interest thereon shall be charged upon the rates leviable or the income derivable under the Belfast Water Acts 1840 to 1938 and this Order in the same manner and to the same extent as such amount was charged upon the rates leviable or the income derivable under the Belfast Water Acts 1840 to 1938.

(3) The following sections of the undermentioned Acts shall (subject to the provisions of this Order) so far as applicable extend and apply to the exercise of the borrowing powers conferred by this Order and to any moneys raised thereunder as though those sections with any necessary modifications were re-enacted in this Order :—

The Act of 1899 —

Section 39 (Appointment of Receiver).

Section 40 (Application of Commissioners Clauses Act, 1847, with respect to mortgages).

Section 41 (Existing mortgages to have priority).

Section 42 (Power to re-borrow).

Section 43 (Mortgages to have priority over all other claims against Commissioners).

Section 44 (Repayment of Mortgages).

Section 45 (Power to issue stock).

Section 47 (Return to Ministry of Health and Local Government for Northern Ireland).

Section 48 (Application of Moneys).

The Act of 1912 —

Section 25 (Borrowing on cash credit).

Section 26 (Temporary investment of borrowed money).

Section 28 (Defining statutory securities).

## The Act of 1920 —

Section 11 (Temporary application of sinking fund in lieu of borrowing).

Section 12 (Bearer stock certificates).

## The Act of 1923 —

Section 10 (Power to issue bills and promissory notes).

## The Act of 1924 —

Section 4 (Power to borrow from Bank).

Section 6 (Power to repay Stock before redemption date).

(4) The Commissioners shall pay off the moneys borrowed under this Order within a period of sixty years from the respective dates of borrowing the same by equal yearly or half-yearly instalments of principal or principal and interest or by means of a sinking fund appropriated for that purpose and the accumulations thereof calculated at the rate of three per centum per annum which sinking fund shall be such as the Ministry having regard to the provisions of this paragraph approve. The sinking fund and the accumulations thereof shall be applied by the Commissioners in and towards the redemption and extinction of mortgages or stock issued by the Commissioners and outstanding or in the purchase of statutory securities and the Commissioners may also from time to time vary such investments. Provided that the redemption and extinction or the purchase and extinction of any such mortgage or stock shall not relieve the Commissioners from the obligation to make and maintain the accumulations hereinbefore referred to.

(5) Nothing in this Order shall authorise the exercise of the borrowing powers thereby conferred otherwise than in compliance with the provisions of the Government Loans Act (Northern Ireland), 1945, the provisions of any Defence Regulations within the meaning of the Supplies and Services (Transitional Powers) Act, 1945, for the time being having effect by virtue of that Act, and of any order for the time being in force under section two of the Loans Guarantee and Borrowing Regulation Act (Northern Ireland), 1946.

Increase in amount of reserve fund.

7. Section forty-eight of the Act of 1893 (as amended by section twenty-seven of the Act of 1912 and section seven of the Act of 1920) shall be read and have effect as if the amount of the reserve fund authorised to be accumulated thereby was six hundred thousand pounds.

For protection of Down County Council.

8. The provisions contained in section twenty-seven of the Act of 1893 (for protection of Grand Jury of County Down) shall so far as the same are applicable to the works by this Order authorised have effect for the protection of the Council of the Administrative County of Down with respect to the streets and roads under their control.

Costs of Order.

9. All costs, charges and expenses of and incidental to the preparing obtaining and making of this Order or otherwise in relation thereto (as

the same shall be taxed by the taxing officer of the Parliament of Northern Ireland) shall be paid by the Commissioners out of the rates authorised to be levied or the moneys authorised to be borrowed by the Belfast Water Acts 1840 to 1938 and by this Order and if paid out of borrowed money shall be repaid within five years from the making of this Order.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twentieth day of July, one thousand nine hundred and forty-eight.

(L.S.)

*W. McCaughey,*  
Assistant Secretary.

### **Portadown and Banbridge Regional Waterworks Joint Board**

ORDER, DATED THE 1ST JULY, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION SEVEN OF THE WATER SUPPLIES AND SEWERAGE ACT (NORTHERN IRELAND), 1945, WITH RESPECT TO THE WATER SUPPLY IN THE BOROUGH OF PORTADOWN, URBAN DISTRICTS OF BANBRIDGE, DROMORE AND NEWRY AND THE RURAL DISTRICTS OF BANBRIDGE, DOWNPATRICK, NEWRY No 1 AND TANDRAGEE.

1948. No. 180

WHEREAS the Borough of Portadown, the Urban Districts of Banbridge, Dromore and Newry and the Rural Districts of Banbridge, Downpatrick, Newry No. 1 and Tandragee (in this Order referred to as "the component districts") are sanitary districts within the meaning of the Public Health (Ireland) Act, 1878 (in this Order referred to as "the Act of 1878"):

AND WHEREAS, by virtue of the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act, 1902 (a) (in this Order referred to as "the Act of 1902"), the Urban Districts of Portadown and Banbridge were formed into a united district (known as the Portadown and Banbridge Joint Waterworks District) and a joint board (called the Portadown and Banbridge Joint Waterworks Board) was constituted as the governing body of the said united district:

AND WHEREAS it appears to the Ministry of Health and Local Government for Northern Ireland (in this Order referred to as "the Ministry") that it is expedient in the public interest to form, for the purposes of the Water Supplies and Sewerage Act (Northern Ireland), 1945 (in this Order referred to as "the Act of 1945"), the component districts into a united district within the meaning of section twelve of the Act of 1878, and to dissolve the united district formed under the Act of 1902:

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(a) 2, Ed. 7. c. xciii.