
STATUTORY INSTRUMENTS

1976 No. 312

WATER, ENGLAND AND WALES

The Southern Water Authority (Flemings "E") Order 1976

Made - - - - 27th February 1976

Coming into Operation 10th March 1976

The Secretary of State for the Environment in exercise of powers conferred by section 23 of the Water Act 1945^(a) 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 Southern Water Authority (Flemings "E") Order 1976 and shall come into operation on 10th March 1976.

Citation
and
commence-
ment.

(2) The Southern Water Authority Orders 1975 and this order may be cited together as the Southern Water Authority Orders 1975 and 1976.

2.—(1) In this order unless the context otherwise requires—

Interpreta-
tion.

"the Authority" means the Southern 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 Southern Water Authority (Flemings "E") Order 1976", one duplicate of which is deposited and available for inspection at the offices of the Authority 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.

(2) Unless the context otherwise requires any reference in this order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment including this order.

3. For the purposes of this order the provisions of the Third Schedule which are set out in column (1) of the second Schedule to this order shall,

Application
of certain
provisions
of the
Third
Schedule.

(a) 1945 c. 42.

(b) S.I. 1951/142, 1900, 1970/1681 (1950 I, pp. 1348, 1347; 1970 III, p. 5551).

subject to the modifications set out in column (2) thereof, apply to the undertaking and are hereby incorporated with this order.

Construc-
tion and
maintenance
of works.

4. When they have acquired the necessary land or sufficient rights or interest therein, the Authority may construct and maintain on or under all or any of the land shown coloured pink on the deposited plan and described in Schedule 1 hereto a pumping station and (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this order), such wells, boreholes and other works as may be necessary or expedient for augmenting or improving the supply of water from the said pumping station.

Works to
form part
of under-
taking.

5. The works authorised by this order shall for all purposes form part of and be comprised within the undertaking.

SCHEDULE 1

DESCRIPTION OF LAND

A triangular shaped piece of land near Lower Rowling Farm in the Parish of Goodnestone in the District of Dover in the County of Kent comprising part of enclosure numbered 1212 on the 1/2500 ordnance sheet of the said County number TR 2855 (1955 edition) and delineated on the deposited plan No. 16-S-104/1 and thereon coloured pink and containing 0.63 of an acre or thereabouts.

SCHEDULE 2

PROVISIONS OF THE THIRD SCHEDULE APPLIED

(1) Provisions applied	(2) Modifications
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 "any of the lands described in the special Act for the time being held by them".
Section 6 (Penalty for obstructing construction of works)	—
Section 8 (Persons under disability may grant easements)	—
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
27th February 1976.

C. J. Pearce,
An Under Secretary in the
Department of the Environment.

S T A T U T O R Y I N S T R U M E N T S

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The Southern Water Authority (Flemings "E") Order 1976

Printed in England by McCorquodale Printers Ltd., and published by Her Majesty's Stationery Office
150/P16835/3 D7 K9 3/76

ISBN 0 11 060312 5