
STATUTORY INSTRUMENTS

1978 No. 829

WATER, ENGLAND AND WALES

**The Wessex Water Authority (Belhuish Boreholes,
Lulworth) Order 1978**

Made - - - 7th June 1978

Coming into Operation 12th June 1978

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:—

1.—(1) This order may be cited as the Wessex Water Authority Citation. (Belhuish Boreholes, Lulworth) Order 1978.

(2) This order shall be included among the enactments which may be cited together as the Wessex Water Authority Orders 1974 to 1978.

2. In this order unless the context otherwise requires—

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

“the Authority” means the Wessex 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 Wessex Water Authority (Belhuish Boreholes, Lulworth) Order 1978”, one duplicate of which is deposited and available for inspection at the principal office of the Authority and the other at the offices of the Secretary of State for the Environment;

“the existing boreholes” means the existing boreholes constructed on the land coloured red on the deposited plan;

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

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

Interpreta-
tion.

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

Application
of certain
provisions
of Third
Schedule.

(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 excepted from Part 1 of the Compulsory Purchase Act 1965 as applying in relation to this order the provisions of section 27 of 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, continue and maintain works.

6. The Authority may—

- (a) continue and maintain the existing boreholes;
- (b) construct and maintain on the land described in Schedule 2 to this order a pumping station and treatment works;
- (c) continue and maintain pipes on the line coloured green on the deposited plan commencing at the existing boreholes and terminating at National Grid Reference SY 836868:

Provided that the Authority may not continue and maintain the pipes after the expiration of a period of five years from the date of commencement of this order unless prior to the expiration of the said period the said pipes shall have been laid underground;

- (d) construct and maintain on or under the said land (in addition to the works authorised by section 4 of the Third Schedule as applied by this order) all such pumping stations, wells, boreholes, adits and headings as may be necessary or expedient for augmenting or improving the supply of water obtainable from the existing boreholes.

Works to form part of undertaking.

7. The authorised works shall for all purposes form part of the undertaking.

(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 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 land described in the special Act" and after the word "buildings" there shall be inserted the words "means of access".
Section 5 (Power of undertakers to lay or erect telephone wires &c.)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 7 (Power to acquire easements for underground works)	—
Section 9 (Extinction of private rights of way)	—
Part IV (Minerals Underlying Water-works)	In section 12 for the words "after this section is incorporated with their enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them" there shall be substituted the words "all such pipes or other conduits or underground works"; and the words "for the time being belonging to them" shall be omitted.
Part VI (Breaking Open Streets, &c.)	—
Section 91 (Mode of reference to arbitration)	—
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

Land in the Parishes of Coomb Keynes and West Lulworth in the District of Purbeck in the County of Dorset at or near National Grid reference SY 830 835 situate to the west of the road B3071 from Wool to West Lulworth being part of the enclosures numbered 0055 and 0056 on the 1/2500 map of Dorset Sheets SY 8283 and SY 8383 (1959 and 1961 editions respectively) and more particularly delineated on the deposited plan and thereon coloured red and containing 0.227 hectares or thereabouts.

Signed by authority of
the Secretary of State

A. G. Semple,
An Under Secretary in the
Department of the Environment.

7th June 1978.