

1965. No. 32

[NC]

WATER SUPPLY (BELFAST)

ORDER, DATED 11TH FEBRUARY, 1965, MADE BY THE MINISTRY OF DEVELOPMENT UNDER SECTION 9 OF THE WATER SUPPLIES AND SEWERAGE ACT (NORTHERN IRELAND) 1945.

Whereas the Belfast City and District Water Commissioners (in this Order referred to as "the Commissioners") have applied to the Ministry of Development (in this Order referred to as "the Ministry") for an order under Section 9 of the Water Supplies and Sewerage Act (Northern Ireland) 1945(a) (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 9 of the Act and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation

1.—(1) This Order may be cited as the Belfast Water Order (Northern Ireland) 1965.

(2) The Belfast Water Acts and Orders (Northern Ireland) 1840 to 1948 and this Order may be cited together as the Belfast Water Acts and Orders (Northern Ireland) 1840 to 1965 and shall be read and construed together as one Act.

Interpretation

2. 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 1884" means the Belfast Water Act 1884;

"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;

"The 1948 Order" means the Belfast Water Order (Northern Ireland) 1948(b);

"the deposited plan" and "the deposited sections" mean respectively the plans and sections submitted to the Ministry in connection with the application for this Order;

"transferred provision" has the meaning assigned to it by section 1(g) of the Interpretation Act (Northern Ireland) 1954(c).

Incorporation of Railways Clauses Consolidation Act 1845

3. The provisions of the Railways Clauses Consolidation Act 1845(a) 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, "the centre of the railway" means the centre of such waterworks respectively and "the company" means the Commissioners.

Power to construct works

4.—(1) Subject to the provisions of this Order and without prejudice to any of the powers conferred on the Commissioners by any transferred provision 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.

(2) The Works hereinbefore referred to comprise the following principal works—situated in the County of Antrim:—

(a) Work No. 1—An intake in Lough Neagh at a point 633 yards or thereabouts from the Shore line of the Lough as shown on the 1928 edition of the Ordnance Survey Map LIV4 and 766 yards or thereabouts South West of Dunore Point.

Pipes under pressure from the intake to a low lift pumping station on the Lough Shore 400 yards or thereabouts South of Dunore Point. A low lift rising main under pressure 1,233 yards or thereabouts long and parallel to the County Road, terminating in purification works. All in the Townland of Corbally.

(b) Work No. 2—At the termination of Work No. 1 purification works and a clear water tank with overflows discharging into the Dunore River and a high lift pumping station. All in the Townland of Corbally.

(c) Work No. 3—A rising main under pressure 10½ miles long or thereabouts, commencing at Work No. 2 and passing through the Townlands at Corbally, Dungonnell, Ballyarnet, Ballyharvey Upper, Killealy, Ballyrobin, Straidballymorris, Kilmakee, Rickamore, Toberagnee, Cloghanduff, Ballynabarnish, Kilgreel, Craigarogan and Grange of Mallusk, and terminating at Work No. 4.

(d) Work No. 4—A service reservoir for the storage of water in the Townland of Grange of Mallusk, near Hyde Park.

(e) Work No. 5—A pumping station at the outlet from the reservoir of Work No 4 to pump water through a rising main delivering into the Michelin Factory site about 730 yards from Work No. 4 and also into a reservoir situated at the end of the rising main about 1,800 yards distance from Work No. 4 in a South Easterly direction. Work No. 5 is in the Townlands of Grange of Mallusk and Ballywonard.

(f) Work No. 6—A gravity main 2,300 yards long or thereabouts from the outlet of the reservoir of Work No. 4 to the boundary of the Commissioners' Statutory area of supply. This main passes through the Townlands of Grange of Mallusk and Ballywonard.

(g) Work No. 7—A distribution main about 1,700 yards in length, starting from a point 1,000 yards along Work No. 6 and proceeding along the Dairy Road towards Belfast to joint the Commissioners' existing distri-

(a) 8 & 9 Vict. c. 20.

bution network. Work No. 7 is in the Townlands of Grange of Mallusk and Ballywonard.

- (h) Work No. 8—A distribution main in the road from Hightown to Glengormley commencing at the outlet from the reservoir in Work No. 5 about 1,800 yards in length in the Townlands of Ballywonard and Ballybought, and connecting to the Commissioners' existing distribution network.

(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, water-course 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.

Works to form part of undertaking

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.

Application of existing funds to purpose of Order

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 and Orders (Northern Ireland) 1840 to 1965.

(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 and Orders (Northern Ireland) 1840 to 1965 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 five 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 and Orders (Northern Ireland) 1840 to 1948 and the interest thereon shall be charged upon the rates leviable or the income derivable under the Belfast Water Acts and Orders (Northern Ireland) 1840 to 1965 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 and Orders (Northern Ireland) 1840 to 1948.

(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 Development for Northern Ireland);

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) Section 10(1) of the Act of 1923 shall be read and have effect as if the amount of bills or promissory notes authorised to be issued thereby was one million pounds instead of £400,000.

(6) Nothing in this Order shall authorise the exercise of the borrowing powers thereby conferred otherwise than in compliance with the provisions of any Order for the time being in force under Section 2 of the Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946(a).

Increase in amount of reserve fund

7. Section 48 of the Act of 1893 (as amended by section 27 of the Act of 1912, section 7 of the Act of 1920 and article 7 of the 1948 Order) shall be read and have effect as if the amount of the reserve fund authorised to be accumulated thereby was one million pounds.

For protection of Antrim County Council

8. The provisions contained in section 23 of the Act of 1884 (for the protection of the streets outside the Borough of Belfast) 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 Antrim 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 Parliament) 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 and Orders (Northern Ireland) 1840 to 1965 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 Development for Northern Ireland this 11th day of February, one thousand, nine hundred and sixty-five.

(L.S.)

Wm. Craig,

Minister of Development for Northern Ireland.