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STATUTORY INSTRUMENTS

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**1989 No. 722**

**WATER, ENGLAND AND WALES**

**The Southern Water Authority 1989**

*Made* - - - - 21st April 1989

*Coming into force* - - 22nd April 1989

The Secretary of State for the Environment, on the application of the Southern Water Authority, being statutory water undertakers<sup>(1)</sup>, and in exercise of powers conferred by sections 23, 32(1) and 59(1)(2) of the Water Act 1945<sup>(3)</sup> and now vested in him<sup>(4)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Southern Water Authority (Cuxton Boreholes) Order 1989 and shall come into force on the 22nd April 1989.

(2) This Order and the Southern Water Authority Acts and Orders 1975 to 1988 may be cited together as the Southern Water Authority Acts and Orders 1975 to 1989.

(3) In this Order—

“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 (Cuxton Boreholes) Order 1989”, one duplicate of which is deposited and available for inspection at the offices of the Chief Solicitor to 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.

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

2.—(1) The Authority may, on or under the land described in Schedule 1 to this Order—

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(1) See the Water Act 1973 (c. 37), section 11(6).

(2) See the definition of “Minister”.

(3) 1945 c. 42. There are amendments to sections 23 and 32, but none relevant to this Order.

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

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- (a) construct, continue and maintain two boreholes in the locations marked on the deposited plan;
  - (b) construct, continue and maintain (in addition to the works authorised by section 4 of the Third Schedule as applied to the undertaking by this Order) all such additional wells, boreholes, adits and headings as may be necessary or expedient for augmenting, improving or maintaining the supply of water obtainable by means of those boreholes.
- (2) The works authorised by this Order shall for all purposes form part of the undertaking.

**Application of certain provisions of the Third Schedule**

**3.** The provisions of the Third Schedule specified in column (1) of Schedule 2 to this Order shall apply to the undertaking, subject to the modifications set out in column (2) thereof.

Signed by authority of the Secretary of State

21st April 1989

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

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## SCHEDULE 1

### DESCRIPTION OF LAND

Land in the Parish of Cuxton in the County of Kent shown cross-hatched on the deposited plan, having an area of 800 square metres or thereabouts and forming part of enclosure number 0003 on the 1/2500 Ordnance Survey Plan Map sheet TQ 7067 (1971 edition) at National Grid reference TQ 702671.

## SCHEDULE 2

### PROVISIONS OF THE THIRD SCHEDULE APPLIED

Provisions applied (1)	Modifications (2)
Section 4 (General power to construct subsidiary works)	(i) omit the words “and to any other provisions of the special Act limiting the powers of the undertakers to abstract water”.  (ii) for the words “any land for the time being held by them in connection with their water undertaking” substitute “the land described in Schedule 1 to the special Act”.
Section 92 (Liability of undertakers to pay compensation)	—
Section 94(5) (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	—

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