1972. No. 243 **[NC]**

WATER SUPPLY (BELFAST)

ORDER, DATED 21ST SEPTEMBER 1972, 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 described in the Schedule:

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, on behalf of the Secretary of State and in exercise of the powers conferred on it by section 9 of the Act and 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) 1972.

(2) The Belfast Water Acts and Orders (Northern Ireland) 1840 to 1967 and this Order may be cited together as the Belfast Water Acts and Orders (Northern Ireland) 1840 to 1972 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;

"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;

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

Incorporation of the Railway Clauses Consolidation Act 1845

3. The provisions of the Railway Clauses Consolidation Act 1845(c) 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 and "the company" means the Commissioners.

(a) 1945. c. 17.
(b) 1954, c. 33.
(c) 8 & 9 Vict. c. 20.

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 and described in the Schedule.

(2) 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 plans 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 two metres 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.

(3) 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 Post Office, 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. 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 1972.