Water Supply (Belfast)

ORDER, DATED 20TH JULY, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION NINE OF THE WATER SUPPLIES AND SEWERAGE ACT (NORTHERN IRELAND), 1945.

1948. No. 202

WHEREAS the Belfast City and District Water Commissioners (in this Order referred to as " the Commissioners ") have applied to the Ministry of Health and Local Government for Northern Ireland (in this Order referred to as " the Ministry ") for an order under section nine of the Water Supplies and Sewerage Act (Northern Ireland), 1945 (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 :

1945 C. 17.

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 nine of the Act and of all other powers enabling it in that behalf, hereby makes the following Order :—

Short and Collective Titles and Citation.

1.—(1) This Order may be cited as the Belfast Water Order (Northern Ireland), 1948.

(2) The Belfast Water Acts 1840 to 1938 and this Order may be cited together as the Belfast Water Acts and Orders (Northern Ireland), 1840 to 1948 and shall be read and construed together as one Act.

Incorporation of Railways Clauses Consolidation Act, 1845.

2. The provisions of the Railways Clauses Consolidation Act 1845 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 and " the centre of the railway " means the centre of such waterworks respectively.

Interpretation.

3.—(1) 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 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;

"enactment" means any Act of Parliament, whether public general, local or private, any statutory order or any provision in an Act of Parliament or statutory order;

"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;

"statutory order" means an order or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament;

(2) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of this Order in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

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 other enactment 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 situate in the Parish of KILKEEL in the County of DOWN:—

(*a*) Work No. 1.—A weir and intake across an unnamed tributary of the ANNALONG RIVER at a point 1000 feet or thereabouts above the junction of the said tributary with the ANNALONG RIVER:

(*b*) Work No. 2.—A conduit commencing at Work No. 1 and terminating in the ANNALONG RIVER at a point 1200 feet or thereabouts above the junction hereinbefore referred to:

(*c*) Work No. 3.—A weir and intake across the ANNALONG RIVER at a point 900 feet or thereabouts above the junction hereinbefore referred to:

(*d*) Work No. 4.—A tunnel approximately 2¼ miles in length commencing at Work No. 3 passing under SLIEVE BIGNIAN and through the Townlands of MONEYDORRAGH MORE UPPER, BALLYVEAGH MORE UPPER, BALLYVEAGH BEG UPPER, BRACKENAGH EAST UPPER, BRACKENAGH WEST UPPER AND CARRIGENAGH UPPER to a point shown on the deposited plans on the east side of the existing SILENT VALLEY reservoir of the Commissioners:

(*e*) Work No. 5.—A screening chamber at a point South of the said existing reservoir and alongside the existing screening chamber of the Commissioners there:

(*f*) Work No. 6.—An aqueduct or line or lines of pipes under pressure approximately 4½ miles in length commencing at Work No. 5 passing through the Townlands of CARRIGENAGH UPPER, CARRIGENAGH, BRACKENAGH WEST, BRACKENAGH EAST, BALLYVEAGH BEG, BALLYVEAGH MORE, MONEYDORRAGH MORE, MONEYDORRAGH MORE UPPER and MULLARTOWN and terminating in the ANNALONG VALLEY at the existing straining well of the Commissioners :

(*g*) Work No. 7.—A reservoir for the storage of the water of the MILL RIVER situate in the valley of the MILL RIVER to be formed by a dam across the said valley between BEN CROM and SLIEVE LAMAGAN in the Townland of MOURNE MOUNTAINS EAST.

(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, 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.

(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.