

**CHAPTER xlviii.**

An Act to authorise the South Essex Waterworks Company to construct new works and to raise additional capital and for other purposes.

A.D. 1935.

[10th July 1935.]

WHEREAS the South Essex Waterworks Company (hereinafter called "the Company") are by the South Essex Waterworks Acts 1861 to 1928 authorised to construct and maintain waterworks and to supply water within the limits in the county of Essex thereby prescribed :

And whereas the demand for water in the Company's limits of supply has greatly increased since the year nineteen hundred and twenty-eight and continues to increase rapidly and in order to enable the Company to make proper provision for this increasing demand it is expedient to empower them to take the waters and to construct and maintain the works in this Act mentioned :

And whereas a statement of the authorised share and loan capital of the Company as on the thirty-first December nineteen hundred and thirty-four is set forth in the First Schedule to this Act and it is expedient that the Company be authorised to raise additional capital :

And whereas it is expedient that further powers be conferred on the Company and further provision be made with reference to their undertaking as in this Act contained and that the other provisions of this Act be enacted :

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—

And whereas the objects of this Act cannot be effected without the authority of Parliament :

And whereas plans and sections showing the lines and levels of the works authorised by this Act (other than the substituted portions of aqueduct (No. 3) the substituted aqueduct (No. 6) and the substituted portion of the waste water conduit as respectively defined in this Act hereinafter referred to collectively as " the substituted works ") and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken or used for the purposes or under the powers of this Act otherwise than for the purposes of the substituted works were duly deposited in the month of December nineteen hundred and thirty-four with the clerks of the county councils of Essex East Suffolk and West Suffolk and are in this Act referred to as the originally deposited plans sections and book of reference :

And whereas plans and sections showing the lines and levels of the substituted works and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken or used for the purposes of the substituted works were duly deposited in the month of May nineteen hundred and thirty-five with the clerk of the county council of Essex and are in this Act referred to as the substituted plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short and
collective
titles.

1.—(1) This Act may be cited as the South Essex Waterworks Act 1935.

(2) The South Essex Waterworks Acts 1861 to 1928 and this Act may together be cited as the South Essex Waterworks Acts 1861 to 1935.

Incorporation of
Acts.

2. The following Acts and parts of Acts (so far as applicable for the purposes of this Act and not inconsis-

tent with the provisions of this Act or the existing Acts) A.D. 1935.
are hereby incorporated with this Act :—

The Companies Clauses Consolidation Act 1845
except the provisions thereof with respect to
the conversion of borrowed money into capital;

The Companies Clauses Act 1863 as amended by
subsequent Acts except Part IV;

The Lands Clauses Acts :

Provided that any question of disputed
compensation to which the provisions of the
Lands Clauses Acts as incorporated with this
Act apply (other than a question required to be
determined by two justices) shall except where
otherwise expressly provided by this Act be
determined by a single arbitrator to be agreed
upon between the Company and the person
claiming the compensation or in default of such
agreement appointed by the Minister on the
application of either party;

The Waterworks Clauses Acts 1847 and 1863 except
the words in section 44 of the Waterworks
Clauses Act 1847 “with the consent in writing
“ of the owner or reputed owner of any such
“ house or of the agent of such owner”;

The provisions of the Railways Clauses Consolidation
Act 1845 with respect to the temporary occupa-
tion of lands near the railway during the con-
struction thereof Provided that in construing
the said provisions for the purposes of this Act
the expression “the railway” shall mean the
new works and “the centre of the railway”
shall mean the respective centre lines of those
works.

3. In this Act unless there be something in the Interpretation.
subject or context repugnant to such construction the
several words and expressions to which meanings are
assigned by the Acts wholly or partly incorporated
herewith have the same respective meanings And—

“The Act of 1861” “the Act of 1882” “the Act
of 1901” “the Act of 1921” and “the Act of
1928” respectively mean the South Essex
Waterworks Acts of those respective years;

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“The existing Acts” means the Act of 1861 the Act of 1882 the Act of 1901 the Act of 1921 and the Act of 1928;

“The new works” means the works described in subsection (1) of section 4 (Power to make works) of this Act;

“The substituted portions of aqueduct (No. 3)” means the portions of aqueduct (No. 3) authorised by this Act which are situate respectively—

(a) between a point on the centre line of the aqueduct as shown on the originally deposited plans sixty-six yards north-eastwards of the south-western boundary of the property numbered on the originally deposited plans 48 in the borough of Colchester and the point of intersection of the said centre line of the aqueduct and the south-eastern boundary of the road numbered on the originally deposited plans 58 in the borough of Colchester; and

(b) between a point on the said centre line of the aqueduct thirty yards south-eastwards of the western boundary of the property numbered on the originally deposited plans 71 in the borough of Colchester and the point of intersection of the said centre line of the aqueduct and the south-western boundary of the property numbered on the originally deposited plans 18 in the parish of East Donyland;

“The substituted aqueduct (No. 6)” means the whole of the aqueduct (No. 6) authorised by this Act;

“The substituted portion of the waste water conduit” means the portion of the waste water conduit authorised by this Act which is situate between the point of intersection of the centre line of the conduit as shown on the originally deposited plans and the western boundary of the property numbered on the originally deposited plans 20 in the parish of Layer de la Haye and the point of confluence of the watercourse from the moat at Rye Farm (commonly known as

“the Rye Farm Stream”) with the Layer Brook in the parish of Peldon; A.D. 1935.

“The Abberton reservoir” means the reservoir (No. 2) authorised by this Act;

“The Langham boreholes” means the boreholes constructed on lands acquired under the powers of the Act of 1928 and sanctioned and confirmed by section 7 (Confirmation of boreholes and works) of this Act and includes the pumping machinery works and apparatus sanctioned and confirmed by that section;

“The 1928 supply works” means such of the works authorised by the Act of 1928 as form part of “the Stour supply works” as defined in section 3 (Interpretation) of that Act and includes the Langham boreholes but does not include any enlargements of or additions to the Stour supply works (as so defined) or the Langham boreholes made after the passing of this Act nor any buildings machinery works and apparatus constructed or provided after the passing of this Act under the powers conferred by subsection (2) of section 4 (Power to make works) of the Act of 1928;

“The Herongate reservoir” means the reservoir (No. 3) authorised by the Act of 1928;

“The first instalment works” means—

(i) the aqueducts (Nos. 1 2 5 8 and 9) the weirs (Nos. 1 and 2) the road diversions (Nos 1 and 2) and the waste water conduit authorised by this Act and the Abberton reservoir; and

(ii) such portions of the aqueducts (Nos. 3 4 6 and 7) and of the pumping stations (Nos. 1 2 and 3) and of the reservoir or reservoirs (No. 1) authorised by this Act and such enlargements of and additions to the 1928 supply works as would together with the works mentioned in paragraph (i) hereof and the 1928 supply works enable the Company to deliver into the Herongate reservoir and to supply to the authorities under section 27 (Obligation to supply water in bulk) of the Act of 1928

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and section 29 (Obligation to supply water in bulk to Essex authorities) and section 30 (Obligation to supply water in bulk to Suffolk authorities) of this Act an aggregate daily quantity of water of twenty-two million gallons; and

(iii) such buildings machinery works and apparatus of whatever character as may be constructed under subsection (2) of section 4 (Power to make works) of this Act or after the passing of this Act under subsection (2) of section 4 (Power to make works) of the Act of 1928 in connection with the aforesaid works or any of them;

“The second instalment works” means—

(i) such further portions of the aqueducts (Nos. 3 4 6 and 7) and of the pumping stations (Nos. 1 2 and 3) and of the reservoir or reservoirs (No. 1) authorised by this Act and such further enlargements of and additions to the 1928 supply works as would together with the first instalment works and the 1928 supply works enable the Company to deliver into the Herongate reservoir and to supply to the authorities under section 27 (Obligation to supply water in bulk) of the Act of 1928 and section 29 (Obligation to supply water in bulk to Essex authorities) and section 30 (Obligation to supply water in bulk to Suffolk authorities) of this Act an aggregate daily quantity of water of twenty-eight million gallons; and

(ii) such buildings machinery works and apparatus of whatever character as may be constructed under subsection (2) of section 4 (Power to make works) of this Act or after the passing of this Act under subsection (2) of section 4 (Power to make works) of the Act of 1928 in connection with the aforesaid works or any of them and do not form part of the first instalment works;

“The 1935 supply works” means the first instalment works and the second instalment works;

- “The point of intake” means the intake on the left bank of the river Stour at the commencement of the aqueduct (No. 1) authorised by this Act; A.D. 1935.
- “The limits of supply” means the limits within which the Company are for the time being authorised to supply water;
- “The undertaking” means the undertaking of the Company for the time being authorised;
- “The tribunal” means the jury arbitrators or other body to whom any question of disputed purchase money or compensation under this Act is referred;
- “The Minister” means the Minister of Health;
- “The three county councils” means the respective county councils for the administrative counties of Essex East Suffolk and West Suffolk;
- “The Lexden Council” means the rural district council of Lexden and Winstree;
- “The Stour Catchment Board” means the River Stour (Essex and Suffolk) Catchment Board;
- “The Stour catchment area” means the river Stour (Essex and Suffolk) catchment area;
- “The Stour Navigation Acts” has the same meaning as in the Act of 1928;
- “The Ordnance map” means the Ordnance map on the scale of 1/2500 and references to sheets of the Ordnance map are to the relative sheets for Essex (new series) except where otherwise stated.

WORKS AND LANDS.

4.—(1) Subject to the provisions of this Act the Company may make and maintain the works hereinafter in this subsection described in the lines situations and levels and on in or under the lands following:— Power to make works.

- (a) as regards the substituted portions of aqueduct (No. 3) the substituted aqueduct (No. 6) and the substituted portion of the waste water conduit the lines situations and levels delineated on the substituted plans and sections and the lands delineated on the substituted plans; and

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- (b) as regards the remainder of the works hereinafter in this subsection described the lines situations and levels delineated on the originally deposited plans and sections and the lands delineated on the originally deposited plans and described in the originally deposited book of reference;

and may enter upon take and use such of the said lands as may be required for the purposes of those works and of obtaining access thereto The works before referred to will be situate in the counties of Essex and East Suffolk and are—

In the county of East Suffolk—

- (1) An aqueduct (No. 1) (consisting of a line or lines of pipes) with intake in the parish of Stratford St. Mary in the rural district of Samford commencing in the river Stour at a point on the left bank thereof in the enclosure numbered 101 on the Ordnance map Suffolk (East and West) sheet LXXXVII.2 (second edition 1904) and terminating in the pumping station (No. 1) authorised by this Act;
- (2) A pumping station (No. 1) in the said parish and enclosure.

In the county of Essex—

- (3) A weir (No. 1) with approaches thereto in the parish of Langham in the rural district of Lexden and Winstree in the enclosure numbered 48 on the Ordnance map Essex sheet XIX.2 (second edition 1904) between the leat at Stratford St. Mary Mill and the river Stour.

In the counties of East Suffolk and Essex—

- (4) An aqueduct (No. 2) (consisting of a line or lines of pipes) in the said parishes of Stratford St. Mary and Langham commencing in the said pumping station (No. 1) by a junction with the aqueduct (No. 3) authorised by this Act and terminating in the existing Langham low lift pumping station of the Company by a junction with the existing delivery pipes of the Company;

- (5) An aqueduct (No. 3) (consisting of a line or lines of pipes) commencing in the said pumping station (No. 1) and terminating in the Abberton reservoir. A.D. 1935.
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In the county of Essex—

- (6) An aqueduct (No. 4) (consisting of a line or lines of pipes) in the parish of Ardleigh in the rural district of Tendring in the enclosure numbered 311 on the Ordnance map sheet N XXIX.5 commencing by a junction with the said aqueduct (No. 3) and terminating in the reservoir or reservoirs (No. 1) authorised by this Act;
- (7) A reservoir or reservoirs (No. 1) in the last-mentioned parish and enclosure;
- (8) A reservoir (No. 2) (to be a storage reservoir and called the Abberton reservoir) in the parishes of Layer Marney Layer Breton Layer de la Haye Great Wigborough Little Wigborough Peldon and Abberton in the rural district of Lexden and Winstree to be formed by means of an embankment or dam across the Layer Brook commencing in the said parish of Layer de la Haye in the enclosure numbered 160 and terminating in the said parish of Abberton in the enclosure numbered 81 on the Ordnance map sheet N XXXVII.14;
- (9) A diversion (No. 1) of the public road B.1026 in the said parish of Layer de la Haye commencing and terminating at points in the said road thirty-four chains or thereabouts and eight chains or thereabouts respectively northwards of the entrance from that road to Aldenham Oak Farm;
- (10) A diversion (No. 2) of the public road leading from Layer Breton to Salcott in the said parish of Layer Breton commencing and terminating at points in the said road ten chains or thereabouts and thirty-six chains or thereabouts respectively southwards of the entrance from that road to Layer Breton Hall;

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- (11) An aqueduct (No. 5) with approach channel and tunnel in the said parishes of Peldon and Layer de la Haye commencing in the Abberton reservoir and terminating in the pumping station (No. 2) authorised by this Act;
- (12) A pumping station (No. 2) in the enclosures numbered 78 79 80 and 82 in the said parish of Layer de la Haye and 28 in the said parish of Peldon on the Ordnance map sheet N XLVII.2;
- (13) An aqueduct (No. 6) (consisting of a line or lines of pipes) in the said parish of Layer de la Haye commencing in the said pumping station (No. 2) and terminating in the filtration works to be constructed in connection with the pumping station (No. 3) authorised by this Act;
- (14) A pumping station (No. 3) with filtration works in the said parish of Layer de la Haye in the enclosures numbered 129 135 178 and 179 on the Ordnance map sheet N XXXVII.13;
- (15) An aqueduct (No. 7) (consisting of a line or lines of pipes) commencing in the said pumping station (No. 3) and terminating by a junction with the aqueduct (No. 5) authorised by the Act of 1928 at or near the existing Tiptree pumping station of the Company;
- (16) An aqueduct (No. 8) (consisting of a line or lines of pipes) commencing in the said parish of Layer de la Haye in or near the said pumping station (No. 2) by a junction with the said aqueduct (No. 6) and terminating in the said parish of Peldon by a junction with the said aqueduct (No. 3) in the enclosure numbered 19a on the Ordnance map sheet N XXXVII.14;
- (17) A weir (No. 2) of " leap " description in the said parish of Layer Marney across the Layer Brook in the enclosures numbered 90 and 92 on the Ordnance map sheet N XLVI.8;
- (18) An aqueduct (No. 9) (consisting of a line or lines of pipes) in the said parish of Layer Marney commencing at the said weir (No. 2)

and terminating in the enclosure numbered 4 on the Ordnance map sheet N XLVI.12 in the watercourse flowing into Salcott Creek; A.D. 1935.
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- (19) A waste water conduit commencing in the said parish of Layer de la Haye in the filtration works to be constructed in connection with the said pumping station (No. 3) and terminating in the said parish of Peldon in the watercourse between the moat at Rye Farm and the Layer Brook at or near the confluence of the watercourse and the brook.

(2) In addition to the foregoing works the Company may on or under the said lands make and maintain such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the new works or any of them but nothing in this subsection shall exonerate the Company from any action indictment or other proceedings for nuisance if any nuisance be caused or permitted by them.

5. In the construction of the new works the Company may deviate to any extent within the limits of deviation shown on the originally deposited plans or as the case may be on the substituted plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the originally deposited sections or as the case may be on the substituted sections to any extent Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the originally deposited sections and three feet in addition thereto and that except for the purpose of crossing over a stream or railway no part of the aqueducts authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the originally deposited sections. Limits of deviation.

6. If the new works are not completed within the period of twenty years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of those works or otherwise Period for completion of works.

A.D. 1935. — in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed but nothing in this section shall restrict the Company from at any time extending enlarging altering renewing or removing any of the new works or from exercising any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act from time to time as occasion may require.

Confirma-
tion of
boreholes
and works.

7. The construction by the Company of the four boreholes and the pumping machinery and other works and apparatus connected therewith on and under the lands hereinafter described and the expenditure of money on those boreholes works and apparatus are hereby sanctioned and confirmed and the Company may subject to the provisions of this Act maintain the said boreholes works and apparatus and retain hold and use them for the purpose of the undertaking or may discontinue the same but shall not deepen extend or enlarge the same.

The lands hereinbefore referred to are—

The enclosure in the parish of Boxted in the rural district of Lexden and Winstree in the county of Essex numbered 74 on the Ordnance map sheet No. N XVIII.12 and the enclosures in the parish of Langham in the same rural district numbered respectively 12 26 and 32 on the same sheet of the Ordnance map.

Power to
take waters.

8.—(1) The Company may for the purposes of the undertaking and of this Act—

- (a) collect impound divert and take at the point of intake by means of the aqueduct (No. 1) authorised by this Act and works connected therewith and appropriate and use the waters of the river Stour and of its tributaries flowing into the river above Stratford St. Mary Mill;
- (b) collect divert take and impound in the Abberton reservoir and appropriate and use all the waters of the Layer Brook and its tributaries above the dam of the Abberton reservoir and all such other springs and waters within the drainage area of the Layer Brook and above the said dam as will or can be intercepted by the

Abberton reservoir and the works in connection therewith authorised by this Act; A.D. 1935.

- (c) collect pump take appropriate and use subject to the limitations prescribed by this Act all such underground springs and waters as will or may be intercepted by the Langham boreholes.

(2) The power conferred on the Company by subsection (1) of this section to collect impound divert take appropriate and use the waters of the river Stour and of its tributaries shall be in addition to the like power conferred by the Act of 1928 as amended by this Act but shall be subject to the limitations prescribed by the next succeeding section of this Act.

9.—(1) The Company shall not under the powers of the Act of 1928 or this Act abstract water from the river Stour except with the consent of the Minister so as to reduce the quantity of water flowing from the reach of the river immediately above Stratford St. Mary Mill to the reach of the river immediately below that mill below the following quantities :—

Limiting
abstraction
of water
from river
Stour.

- (a) Until the date on which the first instalment works are brought into use or the first day of January nineteen hundred and forty-one whichever shall be the earlier below the quantity of three million gallons in any day of twenty-four hours; and
- (b) On and after the date on which the first instalment works are brought into use or the said first day of January whichever shall be the earlier below the quantity of four million gallons in any day of twenty-four hours during the period from the first day of May to the thirty-first day of October (both inclusive) or below the quantity of three million gallons in any day of twenty-four hours during the period from the first day of November to the thirtieth day of April (both inclusive).

(2) The Company shall not under the powers of the Act of 1928 or this Act abstract water from the river Stour so as to reduce the water level in the reaches of the river below Stratford St. Mary Mill below the level required for navigation purposes as imposed by the Stour Navigation Acts.

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(3) (a) The Company shall not in any period of fourteen days pump from the pumping station (No. 2) authorised by the Act of 1928 into the aqueduct (No. 4) authorised by the Act of 1928 a greater quantity of water than an average of twelve million gallons per day.

(b) The Company shall not in any period of fourteen days pump from the pumping station (No. 1) authorised by this Act into the aqueduct (No. 3) authorised by this Act a greater quantity of water than an average of thirty-five million gallons per day.

(4) If the Company at any time pump contrary to the provisions of this section they shall be liable (and that without prejudice to any other right or remedy of any body or person) to a penalty not exceeding ten pounds and to a further penalty of ten pounds for every day on which such contravention shall continue after conviction in respect thereof.

Limiting
pumping at
Langham
boreholes.

10.—(1) From and after—

(a) the date when the first instalment works are brought into use; or

(b) the first day of January nineteen hundred and forty-one;

whichever shall be the earlier the Company shall not use for any purpose of the undertaking any water obtained from the Langham boreholes except in the following cases (hereinafter in this section referred to as “cases of emergency”) namely cases of emergency arising out of or likely to arise out of—

(i) drought; or

(ii) frost; or

(iii) the waters of the river Stour being in such condition as seriously to interfere or to be likely seriously to interfere with the purification thereof by the Company by treatment or filtration; or

(iv) other unpreventable cause or accident.

(2) At any time prior to whichever of the dates mentioned in subsection (1) of this section shall be the earlier it shall be lawful for the Company to use water

obtained from the Langham boreholes for the following A.D. 1935.
 purposes only :—

- (a) for meeting the requirements of consumers of water within the Company's limits of supply as constituted at the date of the passing of this Act for domestic and other purposes within such limits; and
- (b) for affording to the Chelmsford Rural District Council and the Maldon Rural District Council the supplies of water in bulk which those councils respectively are entitled to require from the Company in pursuance of the reservation notices served by them under section 27 (Obligation to supply water in bulk) of the Act of 1928 :

Provided that the Company shall not (except in cases of emergency) pump from the Langham boreholes in any period of fourteen days a total quantity of water greater than the amount by which one hundred and sixty-eight million gallons exceeds the quantity of water available for abstraction by the Company under this Act from the river Stour during that period.

(3) Any difference which shall arise under this section between the Company on the one hand and the Tendring Hundred Waterworks Company the three county councils and the Lexden Council or any of them on the other hand as to whether a case of emergency has arisen or is likely to arise shall be referred to and determined by the Minister on the application of either party after notice in writing to the other of them.

11.—(1) For the purpose of ascertaining the quantity of water pumped by the Company into the aqueduct (No. 4) authorised by the Act of 1928 and into the aqueduct (No. 3) authorised by this Act the Company shall—

Metering
water
abstracted
and
pumped.

- (i) continue at all times to maintain in an efficient state of repair the Venturi meter already provided by them at the pumping station (No. 2) authorised by the Act of 1928 or provide at that pumping station and at all times thereafter maintain in an efficient state of repair a suitable substituted meter for recording the quantity of water pumped into the aqueduct (No. 4) authorised by the Act of 1928; and

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(ii) before bringing into use pumping station (No. 1) authorised by this Act provide at that pumping station and at all times thereafter maintain in an efficient state of repair a suitable meter for recording the quantity of water pumped into the aqueduct (No. 3) authorised by this Act.

(2) For the purpose of ascertaining the quantity of water pumped by the Company at the Langham boreholes the Company shall within one month after the passing of this Act provide and thereafter maintain in an efficient state of repair a suitable meter for recording the quantity of water so pumped through which the quantity of water pumped at the said boreholes shall pass.

(3) The meters maintained by the Company pursuant to subsections (1) and (2) of this section and the records thereof shall at all reasonable hours in the day-time be open for inspection and examination by any person duly authorised in writing by any of the three county councils or the Lexden Council or the Stour Catchment Board or the Tendring Hundred Waterworks Company and any person authorised as aforesaid may take copies of the records.

(4) If at any time any such meter shall be in an unfit state of repair so as not duly to record the quantity of water pumped by the Company into the aqueduct (No. 4) authorised by the Act of 1928 or into the aqueduct (No. 3) authorised by this Act or at the Langham boreholes (as the case may be) such meter shall forthwith be put into a proper state of repair by the Company and if within seven days after receipt of notice from any of the three county councils or the Lexden Council or the Stour Catchment Board or the Tendring Hundred Waterworks Company requiring the Company to put such meter into a proper state of repair the Company fail so to do or to substitute a suitable new meter the council or board or company giving such notice may put the meter into a proper state of repair or when reasonably necessary so to do substitute for it a suitable new meter and in either such case may recover the expenses reasonably incurred in so doing from the Company in any court of competent jurisdiction.

(5) Any dispute which shall arise between the Company and any of the three county councils or the Lexden

Council or the Stour Catchment Board or the Tendring Hundred Waterworks Company under this section shall be referred to arbitration. A.D. 1935.
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12.—(1) The Company shall continue to gauge the flow of the river Stour at Stratford St. Mary Mill as heretofore unless they are prevented from so doing by any cause beyond their control or unless they desire to gauge such flow by substituted apparatus and install that apparatus in accordance with the provisions of subsection (2) of this section. Gauging flow of river Stour.

(2) Should the Company at any time be prevented from gauging such flow of the river Stour as heretofore or desire to install substituted apparatus for gauging such flow they shall forthwith (if and so far as they are lawfully able to do so) install at some point to be agreed between the three county councils the Stour Catchment Board and the Company or failing agreement determined by arbitration and at all times thereafter maintain at that point proper and suitable gauging works and recording apparatus for gauging the said flow.

(3) The present gauging works and recording apparatus or such other gauging works and recording apparatus as the Company may hereafter install shall be open to the inspection and examination of the medical officers of health of each of the three county councils and the engineer of the Stour Catchment Board or any other person duly authorised in that behalf by any of the three county councils or the said board on his giving forty-eight hours' previous notice to the Company's engineer and any such medical officer engineer or person authorised as aforesaid may on giving the like notice examine the records of the said apparatus and take copies of the records.

(4) If at any time the said gauging works and recording apparatus or any of them shall be in an unfit state of repair they shall forthwith be put into a proper state of repair by the Company and if within ten days after receipt of notice from any of the three county councils or the Stour Catchment Board requiring the Company to put such gauging works and recording apparatus or any of them into a proper state of repair the Company fail so to do or to substitute proper and suitable new gauging works and recording apparatus the county council or board giving such notice may

A.D. 1935. — put such gauging works and recording apparatus into a proper state of repair or when reasonably necessary so to do substitute proper and suitable new gauging works and recording apparatus of similar character and capacity to those of the present gauging works and recording apparatus and in either such case may recover the expenses reasonably incurred in so doing from the Company in any court of competent jurisdiction.

(5) Any dispute which shall arise between the Company and any of the three county councils or the Stour Catchment Board under this section shall be referred to arbitration.

Testing of
water sup-
plied by
Company.

13.—(1) The Company shall carry out tests and analyses of the waters collected diverted taken or impounded by them under the powers of this Act from the river Stour or the Layer Brook and their respective tributaries or collected pumped or taken by means of the Langham boreholes and shall supply to the Essex County Council copies of the results of such tests and analyses on each of the usual quarter-days in every year and on such other occasions as copies of the results of such tests and analyses may reasonably be required by that council.

(2) The Company shall provide and maintain draw-off taps on the aqueduct (No. 3) at the pumping station (No. 1) and on the aqueduct (No. 6) at the pumping station (No. 2) and on the aqueduct (No. 7) at the pumping station (No. 3) authorised by this Act and on the delivery pipes from the Langham boreholes from which taps the medical officer of health of the Essex County Council shall be entitled at any time to take samples of water for analysis. Provided that the taking of any such sample and the hour and date of such taking shall be immediately thereafter communicated to the official of the Company in charge of the said pumping stations and duplicates of every such sample shall be handed to him. The said medical officer or any member of his staff duly authorised by him in writing for that purpose may on giving not less than forty-eight hours' previous notice to the Company's engineer enter at all reasonable times on the property of the Company for the purpose of inspecting their waterworks and appliances used for filtering and treating the water of the Company.

(3) If at any time any tap required to be maintained by the Company under this section shall be in an unfit state of repair it shall forthwith be put into a proper state of repair by and at the expense of the Company and if within seven days after receipt of notice from the Essex County Council requiring the Company to repair or replace any defective tap they fail to repair it or to substitute a new tap it shall be lawful for the Essex County Council to put such tap into a proper state of repair or to replace it with a proper new tap and to recover the expenses reasonably incurred in so doing from the Company in any court of competent jurisdiction.

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14. If and so long as any water collected impounded diverted or taken by the Company from the river Stour or collected pumped or taken by them by means of the Langham boreholes is supplied by the Company—

Testing of
water by
Suffolk
County
Councils.

- (a) under section 26 (Supply of water in bulk by agreement) of the Act of 1928 to any local authority company body or person supplying water in the administrative counties of East and West Suffolk or either of them; or
- (b) under section 30 (Obligation to supply water in bulk to Suffolk authorities) of this Act to any of the authorities as defined in subsection (1) of that section;

section 9 (Testing of water supplied by Company) of the Act of 1928 and section 13 (Testing of water supplied by Company) of this Act (so far as the said section 13 relates to the waters of the river Stour and to water collected pumped or taken by means of the Langham boreholes) shall apply and have effect as if in lieu of the references in the said sections to the Essex County Council and the medical officer of health of the Essex County Council there were substituted in the said sections references to the three county councils and to the respective medical officers of health of the three county councils.

15. The Company for the purpose of exercising the powers conferred on them by this Act of collecting diverting taking and impounding the waters of the Layer Brook and its tributaries and for the purpose of discharging water from the Abberton reservoir and the aqueduct (No. 3) and the waste water conduit (Work No. (19)) authorised by this Act may enter upon take and

Power to
acquire fur-
ther lands.

A.D. 1935. use the following land delineated on the originally deposited plans and described in the originally deposited book of reference :—

A strip of land along both sides of the Layer Brook and including the bed and banks thereof in the parish of Abberton in the rural district of Lexden and Winstree extending from the western boundaries of the enclosures numbered 118 and 119 on the Ordnance map sheets N XXXVII.14 and 15 to the confluence of the said brook with the Roman River and being for the greater part thereof about forty yards in width;

and the Company may on the said strip of land deposit any spoil or material resulting from keeping open the waterway of the Layer Brook.

Provisions
as to Layer
Breton
Heath.

16.—(1) Notwithstanding anything in this Act or on the originally deposited plans or in the originally deposited book of reference the Company shall not under the powers of this Act acquire any greater estate or interest in the common or commonable lands in the parishes of Birch and Layer Breton known as Layer Breton Heath than an easement or right of constructing and maintaining in and under the said common the aqueduct (No. 7) and works connected therewith authorised by this Act and from time to time enlarging renewing inspecting using and obtaining access to the said aqueduct and works and the quantity of such common in which such easement or right may be acquired by the Company shall not exceed two acres and one rood.

(2) If and whenever the Company in exercise of the powers of this Act break open or otherwise disturb the surface of any part of the said common they shall as soon as practicable fill in the ground and restore the surface to the approval of the Lexden Council and the lord of the manor of Layer Breton or if either such approval be unreasonably withheld to the satisfaction of two justices acting for the county of Essex.

Period for
compulsory
purchase of
lands and
easements.

17. The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease on the thirty-first day of October nineteen hundred and thirty-eight.

18.—(1) The purchase by the Company of the lands described in subsection (3) of this section and the expenditure of money on or in connection with the purchase thereof are hereby sanctioned and confirmed and the Company may by agreement purchase the outstanding interests (if any) in such lands not belonging to them at the passing of this Act.

A.D. 1935.

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Confirma-
tion of
purchase
of lands.

(2) The said lands may be held and used by the Company for the purposes of the undertaking (in addition to any other lands which they are by the existing Acts and this Act authorised to hold for those purposes) and the Company may thereon execute any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Company shall not under the powers of this section create or permit the creation or continuance of any nuisance on any of the said lands nor erect any buildings thereon except buildings and dwellings for the use of their tenants and persons in their employ and such offices buildings and works as may be incidental to or in connection with the undertaking.

(3) The lands hereinbefore referred to are—

(a) The enclosures in the urban district of Romford numbered 155 157 158 159 175 177 178 179 180 181 182 183 188 and 213 on the Ordnance map sheet N LXXIX.3 and so much of the enclosure numbered 152 on the same sheet of the Ordnance map as is situate to the northwards of a line drawn parallel to the southern boundary of that enclosure and at a distance of two hundred and twenty-five feet northwards thereof and a portion of the enclosure numbered 212 on the same sheet of the Ordnance map lying to the north-eastwards of the south-westerly boundary of that enclosure and having an area of eight acres and two roods or thereabouts;

(b) The enclosures in the parish of Langham in the rural district of Lexden and Winstree numbered 18 20 22 139 140 141 144 145 146 147 and 149 on the Ordnance map sheet N XVIII.12 and sheet N XVIII.16 and the

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enclosure in the parish of Boxted in the same rural district numbered 275 on the last mentioned sheet of the Ordnance map.

Additional
lands.

19. Section 15 (Power to purchase additional lands by agreement) of the Act of 1921 shall have effect as if—

(a) In the proviso to subsection (1) the words “ five hundred acres ” were substituted for the words “ twenty acres ”; and

(b) In the proviso to subsection (2) the words “ buildings and dwellings for the use of their tenants and ” were substituted for the words “ dwellings for.”

Application
of certain
sections of
former
Acts.

20. The following sections of the Act of 1921 and the Act of 1928 shall extend and apply to the powers and provisions of this Act as if those sections were re-enacted in this Act with any necessary modifications :—

Act of 1921—

Section 9 (Power to acquire easements);

Section 10 (Persons under disability may grant easements &c);

Section 12 (Extinction of private rights of way);

Section 13 (Compensation in case of recently altered buildings);

Section 14 (Costs of arbitration in certain cases).

Act of 1928—

Section 11 (Company may acquire certain easements compulsorily);

Section 13 (Owners may be required to sell parts only of certain properties);

Section 15 (Power to enter upon property for survey and valuation);

Section 20 (Temporary stoppage of streets);

Section 21 (Power to hold lands and exercise powers for protection of waters);

Section 22 (Retention and disposal of lands);

Section 48 (For protection of Postmaster-General).

Provided that section 13 of the Act of 1921 and section 13 of the Act of 1928 shall for the purposes of their application to this Act be modified as follows :—

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- (a) Section 13 of the Act of 1921 shall have effect as if the words “ first day of October nineteen hundred and thirty-four ” were substituted therein for the words “ sixteenth day of November nineteen hundred and twenty ”;
- (b) Section 13 of the Act of 1928 shall have effect as if the reference therein to the Second Schedule to that Act were a reference to the Second Schedule to this Act.

21. The Company may adapt any land purchased or taken on lease by them under the powers conferred by the existing Acts and this Act for the purpose of a recreation ground for their employees and may upon such land erect construct and maintain dressing rooms and other buildings and conveniences necessary or appropriate for its use as a recreation ground.

Recreation
ground for
employees.

22.—(1) The Company may stop up—

- (a) so much of the road B. 1026 as lies between the commencement and termination of the road diversion (No. 1) authorised by this Act; and
- (b) so much of the road leading from Layer Breton to Salcott as lies between the commencement and termination of the road diversion (No. 2) authorised by this Act :

Stopping up
of roads and
footpaths.

Provided that the stopping up of the portion of road (a) or the portion of road (b) above described shall not take place until road diversion (No. 1) or road diversion (No. 2) (as the case may be) authorised by this Act has been constructed with fences on each side of not less than four feet in height and of a width between the fences of forty-two feet in the case of road diversion (No. 1) and thirty-two feet in the case of road diversion (No. 2) and properly completed to the satisfaction of the Essex County Council and is open for public use or in case of difference between the Company and the county council until two justices acting for and residing in the county of Essex shall have certified that such road diversion has been completed to their satisfaction and has been opened

A.D. 1935. — for public use Provided also that before applying to the justices for their certificate the Company shall give to the county council fourteen days' notice of their intention to apply for it.

As from the completion of road diversion (No. 1) or road diversion (No. 2) to the satisfaction of the county council or as from the date of the said certificate with respect to either of those road diversions all rights over and along the portion of the existing road which has been so diverted shall be extinguished and the diverted portion of road (other than the viaduct carrying it) shall be maintained in repair by and at the expense of the county council.

(2) Notwithstanding the stopping up of any portion of any existing road under subsection (1) of this section the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said portion of existing road any telegraphic line of the Postmaster-General which is in under upon along over or across the same and the Company shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will become disused and the substitution of a telegraphic line in such other place as the Postmaster-General may require In this subsection "telegraphic line" has the same meaning as in the Telegraph Act of 1878.

(3) The Company may also stop up and extinguish all rights of way over so much of the road leading from Peldon to Malting Green north of Peldon Lodge as shall be situate on the lands acquired by the Company for the construction of the Abberton reservoir and so much of any other roads or footpaths in the parishes of Layer Marney Layer Breton Layer de la Haye Great Wigborough Little Wigborough Peldon and Abberton as may be situate on any lands acquired by the Company under the powers of this Act and thereupon all rights of way over any such portions of roads and footpaths shall be extinguished but no portion of any such road or footpath as is referred to in this subsection shall be stopped up until the Company are owners of the lands on both sides thereof except so far as the owners lessees and occupiers of those lands may otherwise agree.

(4) The Company may subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines appropriate and use for the purpose of the undertaking the sites of the portions of any roads and footpaths stopped up under the provisions of this section. A.D. 1935.

(5) The Company shall make full compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

23. Section 23 (Prohibition of throwing offensive matter &c. into Stour) of the Act of 1928 shall extend and apply with respect to the portion of the river Stour which is situate between a point four hundred yards above the point of intake as defined in the Act of 1928 and a point four hundred yards below the point of intake as defined in this Act. Prohibition of throwing offensive matter &c. into Stour.

24.—(1) Section 24 (Prevention of pollution of water) of the Act of 1928 shall have effect as if— Prevention of pollution of waters of river Stour.

(i) the words “under section 290 of the Local Government Act 1933” were inserted at the end of subsection (3) thereof in lieu of the words “under the Public Health Act 1875”; and

(ii) subsection (4) thereof were omitted.

(2) The said section 24 as amended by subsection (1) hereof shall extend and apply for the prevention of the pollution of any waters of the river Stour and its tributaries which the Company are by this Act authorised to take and use as though the words in that section “any waters which the Company are by this Act authorised to take and use” wherever they occur in the section and any like words included any such waters as aforesaid.

25.—(1) For the prevention of the pollution of any waters of the Layer Brook and its tributaries which the Company are by this Act authorised to take and use or of any stream or watercourse through which any water may from time to time flow into any such waters the Company may with the consent in each case of the Minister and of the Essex County Council and of the Prevention of pollution of waters of Layer Brook.

A.D. 1935. council of the county district in which such pollution occurs or (subject to the provisions of this section) of one of such councils if the other refuse such consent and decline to do the work themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Act 1875 and any Act amending those Acts or any of them with respect to any such waters streams and watercourses or in respect of any nuisance which may exist in proximity thereto and the Company with such consents as aforesaid shall have and may (if they think fit) from time to time exercise such or the like powers as may for the time being be exerciseable by any such council under any enactment for the prevention of the pollution of any such waters streams or watercourses or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply mutatis mutandis to the Company.

(2) If the Essex County Council and the council of the county district in which the pollution occurs refuse or neglect for the space of one month after being requested by the Company by notice in writing either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the Company the Company may appeal to the Minister who may dispense with such consent and thereupon the Company may proceed to enforce the provisions of the said Acts.

(3) The Minister on giving any consent to the Company under subsection (1) of this section or on dispensing with any consent under subsection (2) of this section may attach such terms and conditions as he may think fit and before giving or dispensing with any such consent may direct any inquiries into the matter thereof to be held by his inspectors which he may deem necessary and his inspectors shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under section 290 of the Local Government Act 1933.

(4) The powers conferred on the Company by this section shall be exercised subject to the following limitations :—

- (a) Where the discharge of polluted waters (other than trade waste one gallon of the effluent of which would in three hours at a temperature of

A.D. 1935.

eighty degrees Fahrenheit absorb more than one grain of oxygen from permanganate of potash) from any building farmyard manure pit cesspool or tank which is not connected with a sewer is at the passing of this Act permitted by a sanitary authority without objection from the Essex County Council but if continued is likely in the opinion of the Company to endanger the purity of the waters flowing into or impounded in the Abberton reservoir the cost of constructing any works which may be required by the Company under the powers of this section for preventing the pollution of the waters of the Layer Brook and its tributaries shall be borne by the Company;

- (b) If in pursuance of any requirement by the Company any expense is reasonably incurred by any owner or occupier of lands in fencing off any watering place for horses or cattle on any river or stream and in providing or maintaining a convenient alternative watering place and supplying or keeping the same supplied with water suitable for the needs of horses and cattle in order to prevent the pollution or the risk of pollution of any waters of the Layer Brook and its tributaries which the Company are by this Act authorised to take and use or which find their way into such last mentioned waters such expense shall be repaid to such owner or occupier by the Company and may be recovered by the owner or occupier from the Company summarily as a civil debt;
- (c) Nothing in this section shall authorise the prohibition of the use of manures or fertilisers for the purpose of agricultural horticultural or market gardening operations so long as the manures or fertilisers are stored in a covered building or at a greater distance than fifty yards from the nearest brook stream or watercourse or are stacked for immediate use in any field at a greater distance than twenty-five yards from the nearest brook stream or watercourse and whether stored or stacked are on lands not liable to flooding and so long as the use of such manures or fertilisers does not cause

A.D. 1935.
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the pollution of the water in any brook stream or watercourse to such an extent as to infringe the rights of the riparian owners and occupiers thereon.

Provisions
applicable
in rural dis-
trict of
Lexden and
Winstree.

26. Notwithstanding anything in the last preceding section of this Act the following provisions shall unless otherwise agreed in writing between the Company and the Lexden Council apply and have effect within the rural district of Lexden and Winstree :—

(1) In this section—

“ the prescribed standard of purity ” means a standard of purity not less than that possessed by an effluent one gallon of which does not in three hours at a temperature of eighty degrees Fahrenheit absorb more than one grain of oxygen from permanganate of potash :

“ six times the dry weather flow ” means six times the dry weather flow of the sewage and drainage which for the time being pass or flow directly or indirectly into any sewage disposal works of the Lexden Council :

- (2) Sewage effluent from time to time discharged or permitted to flow into the Layer Brook or its tributaries at any point within the rural district of Lexden and Winstree shall not be required to conform to a higher standard of purity than the prescribed standard of purity :
- (3) In the application to the rural district of Lexden and Winstree of the provisions of the last preceding section of this Act paragraph (a) of subsection (4) thereof shall be read and have effect as if the words “ any sewerage system of the Lexden Council ” were submitted for the words “ a sewer ” :
- (4) If and when effluent passing from any sewage disposal works of the Lexden Council or otherwise discharged by the Lexden Council into the Layer Brook or its tributaries exceeds six times the dry weather flow and such effluent is discharged by the Lexden Council or allowed to flow into the Layer Brook or its tributaries without complying with the prescribed standard of purity no action shall be taken by the

Company directly or indirectly against the Lexden Council in respect of such discharge or flow: A.D. 1935.

- (5) No action or proceeding shall be taken by or at the instance of the Company against the Lexden Council in respect of the discharge of surface drainage flowing into the Layer Brook or its tributaries :
- (6) No sewer or storm overflow of the Lexden Council shall discharge into the Layer Brook or its tributaries except when the flow in the sewers leading to the sewage disposal works of the Lexden Council exceeds six times the dry weather flow :
- (7) Any difference which shall arise between the Company and the Lexden Council under the provisions of this section or as to anything to be done or not to be done thereunder shall be determined by arbitration.

27. The Company on the one hand and the Stour Catchment Board and any landowner or other person interested in the river Stour or its tributaries on the other hand may from time to time enter into and carry into effect within such powers as they may respectively possess contracts agreements and arrangements for and with respect to the construction and maintenance of the intake and other works in or affecting the river Stour authorised by this Act and the exercise and the carrying into effect of any other provisions of this Act affecting the river.

Agreements with Stour Catchment Board and others.

OBLIGATIONS TO SUPPLY WATER.

28. Not earlier than two years nor later than eighteen months before the date on which the Company anticipate that the first instalment works and the date on which they anticipate that the second instalment works will be brought into use the Company shall give to each of the three county councils notice in writing of that date and within twenty-one days after the giving of either such notice the Company shall publish a copy of the notice once in each of two successive weeks in—

Notice of completion of first and second instalment works.

- (i) the London Gazette ;
- (ii) a newspaper published and circulating in Essex ;
and
- (iii) a newspaper published and circulating in Suffolk.

A.D. 1935.

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Obligation
to supply
water in
bulk to
Essex
authorities.

29.—(1) In this section the following expressions have the meanings hereinafter mentioned :—

“ the authorities ” means the corporation of every borough and the council for every urban or rural district in the administrative county of Essex who are authorised to supply water ;

“ authority ” means any one of the authorities ;

“ the first construction notice ” and “ the second construction notice ” respectively mean the respective notices to be given by the Company to each of the three county councils and thereafter to be published in accordance with the last preceding section of this Act ;

“ reservation notice ” means a notice given by an authority under subsection (2) of this section requiring the Company to reserve water for them ;

“ reserved water ” means with reference to each of the authorities the daily quantity of water to be reserved for such authority under subsections (2) and (3) of this section ;

“ daily quantity of water ” means a quantity of water per twenty-four hours reckoned from midnight to midnight ;

“ year ” means a calendar year ending on the thirty-first day of December.

(2) Any of the authorities shall be entitled within six months after the date of the last publication of either construction notice to serve on the Company notice in writing requiring the Company to reserve for them for use within their limits for the supply of water the daily quantity of water specified in the reservation notice :

Provided that—

(a) No reservation notice shall be effective unless the authority giving the notice obtain the assent thereto of the Minister within nine months after the said date and before giving his assent to any reservation notice the Minister shall take into consideration all the circumstances (including the possibility of the authority developing or utilising other sources of water supply) and any representations which

may be made by the Company or any other authority as to such notice; A.D. 1935.

- (b) If the Minister shall assent to any reservation notice in respect of any less quantity of water than that originally specified therein the notice shall be effective in respect of the less quantity only but the authority by whom such reservation notice was served may withdraw it within three months after the decision of the Minister with respect thereto.

(3) (a) The Company shall not be obliged under this section to supply in bulk to all the authorities any greater aggregate daily quantity of water than one million two hundred thousand gallons in respect of the first construction notice and two million gallons in respect of the first and second construction notices combined and accordingly the maximum aggregate daily quantity of water which the Company may be obliged to supply under this section shall not exceed one million two hundred thousand gallons between the date of the bringing into use of the first instalment works and the date of the bringing into use of the second instalment works or two million gallons after the last-mentioned date.

(b) If in the case of the first construction notice the aggregate of the daily quantities of water specified in the reservation notices to which the Minister shall have assented under subsection (2) of this section shall exceed one million two hundred thousand gallons the daily quantity of water to be reserved for each of the authorities who have served such reservation notices shall be decided by the Minister but so that the aggregate of all the reserved water in respect of the first construction notice shall not exceed one million two hundred thousand gallons.

(c) If in the case of the second construction notice the aggregate of the daily quantities of water specified in the reservation notices to which the Minister shall have assented in respect of that construction notice together with the aggregate of all the reserved water as determined under the foregoing provisions of this section in respect of the first construction notice shall exceed two million gallons the daily quantity of water to be reserved for each of the authorities who have served

A.D. 1935. — such reservation notices in respect of the second construction notice shall be decided by the Minister but so that the aggregate of all the reserved water in respect of the first and second construction notices combined shall not exceed two million gallons.

(4) The Minister shall inform the Company from time to time of any decision given by him under subsection (2) or subsection (3) of this section and the Company shall within three months after receiving any decision of the Minister under paragraph (b) or paragraph (c) of the said subsection (3) give notice in writing to each of the authorities who have served reservation notices stating the quantity of water to be reserved for them respectively.

(5) As from the date when the first instalment works or the second instalment works are brought into use the Company shall supply to each authority for whom a quantity of water has been reserved under this section such daily quantity of water as the authority may from time to time require but not exceeding the reserved water to which the authority is for the time being entitled and the authority shall make to the Company the payments prescribed by section 31 (Provisions common to sections 29 and 30) of this Act.

(6) The point at which water shall be supplied to an authority under this section shall be such point on the aqueducts (Nos. 4 5 or 7) authorised by the Act of 1928 or the aqueduct (No. 7) authorised by this Act as shall be reasonably determined by the Company and any line of pipes required for enabling the authority to take a supply of water at that point shall be laid by the authority under any powers possessed by them but all works for connecting the pipes of the authority with the aqueduct of the Company shall be executed by the Company and the cost of so doing shall be repaid by the authority to the Company.

Obligation
to supply
water in
bulk to
Suffolk
authorities.

30.—(1) In this section the following expressions have the meanings hereinafter mentioned:—

“the authorities” means the corporation of every borough and the council for every urban or rural district in the administrative county of East Suffolk or West Suffolk who are authorised to supply water within any part of the Stour catchment area;

“ authority ” means any one of the authorities ; A.D. 1935.

“ the first construction notice ” “ the second construction notice ” “ reservation notice ” “ reserved water ” “ daily quantity of water ” and “ year ” have the like respective meanings as in the last preceding section of this Act.

(2) Any of the authorities shall be entitled within six months after the date of the last publication of either construction notice to serve on the Company notice in writing requiring the Company to reserve for them for use within such part of their limits for the supply of water as is situate in the Stour catchment area the daily quantity of water specified in the reservation notice :

Provided that—

- (a) No reservation notice shall be effective unless the authority giving the notice obtain the assent thereto of the Minister within nine months after the said date and before giving his assent to any reservation notice the Minister shall take into consideration all the circumstances (including the restriction that water supplied under this section to any authority shall be used only within the Stour catchment area and the possibility of the authority developing or utilising other sources of water supply) and any representations which may be made by the Company or any other authority as to such notice ;
- (b) If the Minister shall assent to any reservation notice in respect of any less quantity of water than that originally specified therein the notice shall be effective in respect of the less quantity only but the authority by whom such reservation notice was served may withdraw it within three months after the decision of the Minister with respect thereto.

(3) (a) The Company shall not be obliged under this section to supply in bulk to all the authorities any greater aggregate daily quantity of water than two hundred and fifty thousand gallons in respect of the first construction notice and four hundred and fifty thousand gallons in respect of the first and second construction notices combined and accordingly the maximum aggregate daily

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quantity of water which the Company may be obliged to supply under this section shall not exceed two hundred and fifty thousand gallons between the date of the bringing into use of the first instalment works and the date of the bringing into use of the second instalment works or four hundred and fifty thousand gallons after the last-mentioned date.

(b) If in the case of the first construction notice the aggregate of the daily quantities of water specified in the reservation notices to which the Minister shall have assented under subsection (2) of this section shall exceed two hundred and fifty thousand gallons the daily quantity of water to be reserved for each of the authorities who have served such reservation notices shall be decided by the Minister but so that the aggregate of all the reserved water in respect of the first construction notice shall not exceed two hundred and fifty thousand gallons.

(c) If in the case of the second construction notice the aggregate of the daily quantities of water specified in the reservation notices to which the Minister shall have assented in respect of that construction notice together with the aggregate of all the reserved water as determined under the foregoing provisions of this section in respect of the first construction notice shall exceed four hundred and fifty thousand gallons the daily quantity of water to be reserved for each of the authorities who have served such reservation notices in respect of the second construction notice shall be decided by the Minister but so that the aggregate of all the reserved water in respect of the first and second construction notices combined shall not exceed four hundred and fifty thousand gallons.

(4) The Minister shall inform the Company from time to time of any decision given by him under subsection (2) or subsection (3) of this section and the Company shall within three months after receiving any decision of the Minister under paragraph (b) or paragraph (c) of the said subsection (3) give notice in writing to each of the authorities who have served reservation notices stating the quantity of water to be reserved for them respectively.

(5) As from the date when the first instalment works or the second instalment works are brought into use the Company shall supply to each authority for whom a

quantity of water has been reserved under this section such daily quantity of water as the authority may from time to time require but not exceeding the reserved water to which the authority is for the time being entitled and the authority shall make to the Company the payments prescribed by section 31 (Provisions common to sections 29 and 30) of this Act. A.D. 1935.

(6) The point at which water shall be supplied to an authority under this section shall be such point on the aqueduct (No. 4) authorised by the Act of 1928 near pumping station (No. 2) authorised by that Act as shall be reasonably determined by the Company or such other point as may be agreed between the Company and the authority and any line of pipes required for enabling the authority to take a supply of water at that point shall be laid by the authority under any powers possessed by them but all works for connecting the pipes of the authority with any aqueduct of the Company shall be executed by the Company and the cost of so doing shall be repaid by the authority to the Company.

(7) Notwithstanding anything in this section the Company shall not be required under this section to supply to any authority any water for use outside the Stour catchment area and no water supplied to an authority under this section shall be so used.

31.—(1) In this section the following expressions have the meanings hereinafter mentioned :—

Provisions
common to
sections 29
and 30.

“ authority ” means any one of the authorities as defined in either of the last two preceding sections of this Act ;

“ reserved water ” “ daily quantity of water ” and “ year ” have the like respective meanings as in the said last two preceding sections.

(2) Each authority for whom a quantity of water is reserved under either of the last two preceding sections shall pay to the Company each year—

(i) a sum equal to the number of thousand gallons in the authority's reserved water multiplied by the capital charges component for the year ascertained in accordance with the provisions of the Third Schedule to this Act ; and

A.D. 1935.
—

- (ii) a further sum equal to the number of thousand gallons in the total quantity of water supplied to the authority during the year multiplied by the working charges component for the year ascertained in accordance with the provisions of the Third Schedule to this Act.

(3) (a) As soon as practicable after the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in each year the Company shall prepare and send to each authority for whom water is reserved an account showing the amount due from the authority under subsection (2) of this section in respect of the preceding three months and such accounts shall as regards any payment to be made under paragraph (ii) of that subsection be based in the first instance on the working charges component for the previous year or during the first year in which water is supplied under either of the last two preceding sections and the first year after the completion and bringing into use of the second instalment works on estimates prepared by the Company.

(b) Each authority to whom an account is so sent shall pay to the Company the amount due from them in respect of the three months to which the account relates within the period of fourteen days from the receipt of the account which amount shall be deemed to be a debt due from the authority to the Company and if unpaid within the said period shall bear interest at the rate of five per centum per annum from the expiration of that period until payment.

(c) As soon as practicable after the end of each year final accounts in respect of that year shall be prepared by the Company and delivered to each authority for whom water is reserved showing (i) the actual amount payable by the authority under this section in respect of the year and (ii) the balance due from or to the authority which balance shall be deemed to be a debt due by the authority to the Company or by the Company to the authority (as the case may require) and if unpaid within the period of fourteen days from the receipt of the final account shall bear interest at the rate of five per centum per annum from the expiration of that period until payment.

(4) For the maintenance testing cleaning altering A.D. 1935.
extending or repairing of their waterworks the Company
may after giving (except in emergency) not less than
fourteen days' notice to any authority affected temporarily
discontinue the supply of water to any authority under
either of the last two preceding sections for such a period
or periods as may be reasonably requisite Provided that
the Company shall if and so far as is reasonably practicable
make good to each authority to whom the supply of water
shall have been temporarily discontinued under the pro-
visions of this subsection the aggregate quantity of water
of which that authority were deprived by such discontin-
uance and such making good shall be effected at such times
and in such manner as may be agreed between the Com-
pany and that authority or failing agreement determined
by arbitration.

(5) A supply of water to an authority under either of
the last two preceding sections shall be given and received
in a regular and continuous flow or manner and at an even
rate (subject to any adjustment which may be necessary
in order to give effect to the proviso to subsection (4) of
this section) and the works of such authority shall be so
constructed and maintained that the water shall at all
times be capable of flowing from the aqueduct of the
Company to such works under the pressure of water in
the said aqueduct at the point where it is connected with
the works of the authority and so as not to interfere with
the free and unrestricted flow of water in that aqueduct
Provided that any variation in the flow manner or rate of
the supply due to variations in the demand of consumers of
the authority shall not prevent the supply being deemed
to be given and received in a regular and continuous flow
or manner and at an even rate for the purposes of this
subsection but the quantity of water taken by such
authority in any week shall not exceed seven times the
reserved water.

(6) (a) The water supplied to an authority under
either of the last two preceding sections shall be measured
by a meter to be fixed on the pipes of the authority as near
as practicable to the point at which the water is delivered
to them.

(b) The meter shall be provided and fixed by the
Company in a building or chamber to be erected by them
on a site to be acquired by and at the expense of the
authority.

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(c) The building or chamber shall be under the sole control of the Company and be maintained by them and the authority shall at all times afford to the Company over any lands or property of the authority such facilities as the Company may require for that purpose.

(d) The meter shall also be under the sole control of the Company and be maintained by them but the authority shall at all reasonable times be at liberty by themselves or their engineer or surveyor to inspect the meter (on giving to the official of the Company having charge of the meter sufficient notice to enable him to have it opened for inspection) and to require its accuracy to be tested.

(e) The authority shall repay to the Company on demand all costs incurred by the Company in erecting the said building or chamber and in providing and fixing the meter and of and incident to any testing of the meter.

(f) The authority shall also pay to the Company the reasonable costs incurred by the Company in maintaining and repairing the said building or chamber and in maintaining and keeping in proper condition and working order the said meter and subsidiary apparatus. All payments under this paragraph shall be made quarterly on or before the same dates as the payments under subsection (3) of this section are required to be made.

(7) The water delivered by the Company into the Herongate reservoir shall be measured by the meter placed and maintained by the Company under subsection (15) of section 27 (Obligation to supply water in bulk) of the Act of 1928 or by another meter or meters to be placed and maintained by the Company at a point on aqueduct (No. 7) authorised by the Act of 1928 as near as practicable to the inlet into the Herongate reservoir. The said meter or meters shall be open to inspection at all reasonable times by any person duly authorised by any authority for whom water is reserved under either of the last two preceding sections.

(8) (a) The register of any meter or meters provided under this section shall be prima facie evidence of the quantity of water supplied by the Company or delivered into the Herongate reservoir.

(b) If any such meter at any time registers incorrectly the Company on becoming aware thereof shall within a

A.D. 1935.

(iv) to be delivered into the Herongate reservoir whether by means of the 1928 supply works or the 1935 supply works;

shall be reduced in proportion to the respective quantities so supplied and delivered during the corresponding quarter of the preceding year.

Terms of
supply to
Chelmsford
and Maldon
Rural Dis-
trict
Councils.

33.—(1) Notwithstanding anything in the foregoing provisions of this Act the terms and conditions on which water shall be supplied by the Company to the Chelmsford Rural District Council and the Maldon Rural District Council in pursuance of the reservation notices served by those councils respectively under section 27 (Obligation to supply water in bulk) of the Act of 1928 shall remain unaltered until the first instalment works (as defined in this Act) are brought into use.

(2) After the date on which the first instalment works (as defined in this Act) are brought into use the provisions of subsections (3) and (4) of this section shall apply with respect to the payments to be made by the said councils respectively for any quantity of water supplied by the Company to them in pursuance of the said reservation notices and shall be in lieu of the provisions of subsections (7) (8) and (9) of the said section 27 of the Act of 1928.

(3) After the date when the first instalment works (as defined by this Act) are brought into use the Chelmsford Rural District Council shall pay to the Company in each year for water supplied to them by the Company as in pursuance of the reservation notice served by the aforesaid—

(i) In lieu of the sum mentioned in paragraph (i) of the said subsection (7) the sum of two thousand and one hundred pounds;

(ii) In lieu of the sum mentioned in paragraph (ii) of the said subsection (7) a further sum equal to the number of thousand gallons in the total quantity of water supplied to that Council during the year multiplied by the working charges component for the year as ascertained for the purposes of the foregoing provisions of this Act in accordance with the provisions of the Third Schedule to this Act.

reasonable time repair the meter or replace it with a correct meter. If the meter is removed for any reason the Company shall within a reasonable time refix or replace the meter. A.D. 1935.

(9) Nothing in either of the last two preceding sections or this section shall be deemed to empower any authority to construct waterworks or to supply water within the limits of supply of any other body or any person empowered by Act of Parliament or by Order having the force of an Act to supply water but this subsection shall not be deemed to deprive any authority of any power which they may possess under the Public Health Act 1875 or the Supply of Water in Bulk Act 1934 or otherwise of carrying water mains within or without their borough or district.

(10) Any dispute between the Company and any authority under either of the two last preceding sections or this section shall be referred to an arbitrator who (failing agreement) shall be appointed on the application of any of the parties to the dispute (after notice to the other or others of them) by the Minister and the Arbitration Acts 1889 to 1934 shall apply to the reference.

~~32.~~ The Company shall not incur any liability in respect of a failure to supply water under section 29 (Obligation to supply water in bulk to Essex authorities) or under section 30 (Obligation to supply water in bulk to Suffolk authorities) of this Act or to the Chelmsford Rural District Council or the Maldon Rural District Council under section 27 (Obligation to supply water in bulk) of the Act of 1928 if the failure be due to frost unusual drought or other unavoidable cause or accident but in any such case the quantities of water—

Saving for failure to supply in bulk in times of drought &c.

- (i) to be supplied under the said section 29 to the authorities as defined in that section; and
- (ii) to be supplied under the said section 30 to the authorities as defined in that section; and
- (iii) to be supplied to the Chelmsford Rural District Council and the Maldon Rural District Council in pursuance of the reservation notices served by those councils respectively under the said section 27 of the Act of 1928; and

(4) After the date when the first instalment works (as defined by this Act) are brought into use the Maldon Rural District Council shall pay to the Company in each year for water supplied to them by the Company in pursuance of the reservation notice served by them as aforesaid— A.D. 1935.
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- (i) In lieu of the sum mentioned in paragraph (i) of the said subsection (7) the sum of six hundred and thirty pounds;
- (ii) In lieu of the sum mentioned in paragraph (ii) of the said subsection (7) a further sum equal to the number of thousand gallons in the total quantity of water supplied to that council during the year multiplied by the working charges component for the year as ascertained for the purposes of the foregoing provisions of this Act in accordance with the provisions of the Third Schedule to this Act.

(5) Subject as aforesaid the provisions of the said section 27 of the Act of 1928 except subsection (6) (b) thereof (which is superseded by section 32 (Saving for failure to supply in bulk in times of drought &c.) of this Act) shall so far as applicable continue to apply to and with respect to the supply of water by the Company to each of the said councils in pursuance of the reservation notices served by them respectively under the said section 27.

34.—(1) The Company shall not without the consent in writing of the Essex County Council supply water outside or for use outside the administrative county of Essex Provided that this section shall not apply to— Restriction
on supply
of water
outside
Essex.

- (i) a temporary supply of water to the Southend Waterworks Company under section 28 (Inter-communication and agreements with Southend Company) of the Act of 1928 to meet a need arising through emergency; or
- (ii) a supply of water to any local authority for use within any part of the Stour catchment area situate in Suffolk either under section 26 (Supply of water in bulk by agreement) of the Act of 1928 or under section 30 (Obligation to supply water in bulk to Suffolk authorities) of this Act; or

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—

(iii) a supply or further supply of water which the Company are required by the Minister under subsection (2) of the said section 26 of the Act of 1928 to afford to any local authority (being a local authority to whom the Company are authorised to supply water) for use in any district or place outside the administrative county of Essex.

(2) The reference in section 26 (Supply of water in bulk by agreement) of the Act of 1928 to section 29 of that Act shall be construed as a reference to subsection (1) of this section.

PROTECTIVE PROVISIONS.

For protec-
tion of road
authorities.

35. For the protection of the Essex County Council the East Suffolk County Council and the council of every borough or urban district in which is situate any highway or bridge which may be broken up or otherwise interfered with under the powers of this Act section 49 (For protection of road authorities) of the Act of 1921 shall extend and apply to the powers conferred and the works authorised by this Act as though that section were re-enacted in this Act with any necessary alterations and as though the expression "the road authority" in that section meant the said two county councils and the council of every such borough or urban district as aforesaid.

For protec-
tion of cer-
tain local
authorities.

36. For the protection of the respective local authorities of every borough or urban or rural district in which any of the new works will be constructed section 35 (For protection of certain local authorities) of the Act of 1928 shall extend and apply to the new works as defined in this Act and the powers conferred on the Company by this Act with reference thereto as though that section were re-enacted in this Act with any necessary alterations.

For protec-
tion of local
authorities
in Stour
catchment
area.

37. If the local authority for any borough or urban or rural district wholly or partly situate in the Stour catchment area shall apply to Parliament or to any Government department for authority to abstract water from the river Stour or any of its tributaries above Stratford St. Mary Mill for the purpose of providing

a supply of water for the inhabitants of any part of that catchment area for— A.D. 1935.
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- (a) domestic purposes; or
- (b) purposes other than domestic purposes but excluding a supply for trade purposes to any consumer in excess of five hundred thousand gallons of water in any quarter of the year;

the Company shall not oppose the application except in so far as they may deem it necessary to do so in order to secure the insertion therein of provisions for the protection against injury of the 1928 supply works or the 1935 supply works or other works buildings or lands of the Company.

38. For the further protection of the Essex County Council (hereinafter referred to as “the county council”) the following provisions shall unless otherwise agreed in writing between the county council and the Company apply and have effect :— For further
protection
of Essex
County
Council.

- (1) In laying the aqueducts authorised by this Act so far as situate in the administrative county of Essex and in laying any further lines of pipes forming part of the aqueducts authorised by the Act of 1928 the Company shall fill in any trench made by them in a county road to within a depth of six inches of the surface of the road with a mixture of twelve parts of hard core and gravel to one part of cement :
- (2) The carriageway of the diversion (Work No. (9)) authorised by this Act of the public road B.1026 shall be constructed of a uniform width throughout of thirty feet and with a footpath on each side having a width of six feet :
- (3) The carriageway of the diversion (Work No. (10)) authorised by this Act of the public road leading from Layer Breton to Salcott shall be constructed of a uniform width throughout of twenty feet and with a footpath on each side having a width of six feet :
- (4) Both of the viaducts carrying the said diversions shall be constructed by the Company to the reasonable satisfaction of the county council and shall conform with the standard of loading

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prescribed by the Minister of Transport for highway bridges and shall thereafter be maintained by the Company to the like satisfaction :

- (5) If in pursuance of this Act the Company acquire for the purposes of the construction of the Abberton reservoir lands within fifty feet of any classified road or within forty feet of any unclassified road in the administrative county of Essex the Company shall if so required by the county council and if it is practicable so to do convey free of cost to the county council such land as may be necessary to enable the carriageway of the said roads to be widened to a width of fifty feet and forty feet respectively and the county council shall provide a fence on the boundary of such widened road at a cost not exceeding five shillings for each linear yard of such fence :
- (6) The Company shall not under the powers of this Act stop up the footpath leading from Blind Knights to the public road B.1026 nor the footpath below the dam of the Abberton reservoir passing in a westerly to easterly direction through the properties numbered on the originally deposited plans 3 and 2 in the parish of Peldon and 11 in the parish of Abberton :
- (7) Any difference which may arise between the county council and the Company under this section shall be referred to arbitration.

For protection of Colchester Corporation.

39. Notwithstanding anything in this Act or shown on the originally deposited plans and sections the following provisions for the protection of the mayor aldermen and burgesses of the borough of Colchester (hereinafter in this section referred to as "the corporation") shall (in addition to any other provisions enuring for the protection and benefit of the corporation) apply and have effect unless otherwise agreed between the Company and the corporation :—

- (1) In this section "the signed plan No. 1" and "the signed plan No. 2" mean respectively the two plans respectively so marked which have been signed in triplicate by Sir Henry Strother Cautley the chairman of the committee of the

House of Commons to which the Bill for this Act was referred of each of which plans one copy has been deposited in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one copy with the corporation : A.D. 1935.

(2) The Company shall not enter upon take or use—

(a) the lands numbered on the originally deposited plans 52 53 and 54 in the borough of Colchester; or

(b) so much of the land numbered on the originally deposited plans 51 in the borough of Colchester as is coloured red on the signed plan No. 1; or

(c) so much of the land numbered on the originally deposited plans 18 in the parish of Stratford St. Mary in the rural district of Samford as is coloured red on the signed plan No. 2 :

(3) (a) The Company shall not purchase or acquire any part of the lands numbered on the originally deposited plans 43 44 and 45 in the borough of Colchester (except so much of the said lands numbered 43 and 45 as may be reasonably necessary for the construction of the two shafts hereinafter referred to) or of the portion coloured blue on the signed plan No. 1 of the said land numbered 51 but the Company may acquire and the corporation shall if so required by the Company sell and grant to the Company such easements in or under the said lands and portion of land as the Company may reasonably require for the purpose of—

(i) constructing under the said lands numbered 43 44 and 45 a tunnel of not more than twelve feet internal diameter which shall be connected with the surface of the ground by two shafts of not more than sixteen feet internal diameter for the purpose of affording access to such tunnel; and

(ii) constructing or laying in such tunnel or under the said portion coloured blue of the

A.D. 1935.
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said land numbered 51 so much of the aqueduct (No. 3) authorised by this Act as will be constructed under those lands and portion of land; and

(iii) from time to time maintaining repairing inspecting using and obtaining access to such tunnel shafts and portion of aqueduct;

and may give notice to treat in respect of such easements describing the nature thereof The provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts;

(b) As regards any lands in respect of which the Company have acquired easements only under the provisions of this subsection the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers thereof for the time being shall subject to such easements have the same rights to use and cultivate such lands at all times as if this Act had not passed :

(4) Section 49 (For protection of road authorities) of the Act of 1921 in its application within the borough of Colchester for the purposes of this Act (as provided by section 35 (For protection of road authorities) of this Act) shall have effect as if the words "four feet" were inserted in subsection (3) thereof instead of the words "two feet six inches" :

(5) (a) In constructing or maintaining the said aqueduct (No. 3) under or within a distance of ten yards from the main southern outfall sewer of the corporation the Company shall not move or interfere in any way with that sewer and in the construction of the said aqueduct within the distance aforesaid the Company shall not deviate from the level thereof as shown on the deposited sections to such extent as would endanger the said sewer;

(b) The Company shall not commence the construction of the said aqueduct within the

distance aforesaid until they shall have given to the corporation twenty-eight days' previous notice in writing of their intention to commence such construction and such notice shall be accompanied by such plans sections and particulars of so much of the said aqueduct as may be situate within the said distance of the said outfall sewer as the corporation may reasonably require which plans sections and particulars shall be subject to the reasonable approval of the corporation. Provided that if the corporation do not within twenty-one days after the service of such notice signify their approval or disapproval of such plans sections and particulars or such alterations modifications or directions with regard thereto (including the provision of any works for the protection of the said outfall sewer) as they shall reasonably require they shall be deemed to have approved thereof; A.D. 1935.

(c) The Company shall provide in such manner as the corporation may reasonably require for the proper protection of and for preventing injury to the said outfall sewer by reason of the said aqueduct or any part thereof or any works of the Company connected therewith;

(d) The construction of the said aqueduct and of any works of the Company connected therewith under or within the said distance of ten yards from the said outfall sewer shall be carried out under the supervision of the corporation (unless after seven days' notice to the corporation by the Company such supervision is not given or is discontinued during the progress of such construction) and to the reasonable satisfaction of the corporation but at the cost charges and expenses in all respects of the Company :

- (6) (a) The said aqueduct (No. 3) shall be constructed in a tunnel (to be constructed by the Company) between a point not less than forty yards measured in a south-westerly direction from the right bank of the river Colne to a point not less than ten yards measured in a north-easterly direction from the left bank of that river and

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unless the Board of Trade otherwise require the crown of such tunnel shall be not less than twelve feet below the bed of the river Colne and twenty-seven feet below the land lying between the banks of that river and the above mentioned points respectively;

(b) The shafts affording access to the said tunnel at either end thereof shall not extend above the surface of the ground to a height of more than twenty feet;

(c) The said tunnel shall be constructed and maintained by the Company in such a manner as not to injure or interfere with the bed of the river Colne and shall be constructed of a strength sufficient to bear any road or railway which may be constructed thereover together with the traffic on such road or railway and the Company shall not oppose the construction of any such road or railway by the corporation or other the owner for the time being of the land lying between such bank and point or by any other person with the authority of such owner;

(d) The Company shall not commence the construction of the said tunnel and shafts until they shall have given to the corporation twenty-eight days' previous notice in writing of their intention to commence such construction and such notice shall be accompanied by plans sections and particulars of the tunnel and shafts which plans sections and particulars shall be subject to the reasonable approval of the corporation. Provided that if the corporation do not within twenty-one days after the service of such notice signify their approval or disapproval of such plans sections and particulars or such alterations modifications or directions with regard thereto as they shall reasonably require they shall be deemed to have approved thereof;

(e) The construction of the said tunnel and shafts shall be carried out under the supervision of the corporation (unless after seven days' notice to the corporation by the Company such supervision is not given or is discontinued during

the progress of such construction) and to the reasonable satisfaction of the corporation but at the cost charges and expenses in all respects of the Company :

A.D. 1935
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- (7) The corporation shall be entitled at their own risk to lay down and maintain through the said tunnel such electricity mains or cables (not being more than four in number) as they may desire to lay down and maintain through the tunnel for and in connection with their electricity undertaking on such terms as may be agreed between the Company and the corporation or determined by arbitration Provided that—

(i) such electricity mains or cables shall be so laid and maintained as not to interfere with the repair maintenance and user by the Company of the said tunnel and of the portion of the said aqueduct (No. 3) constructed or laid therein or with the laying of any additional line or lines of pipes in the tunnel as part of that aqueduct or with the access by the Company into and through the tunnel;

(ii) nothing in this subsection shall impose on the Company any obligation or liability to keep the tunnel free from water; and

(iii) The corporation shall indemnify and hold harmless the Company from all claims demands costs expenses and damages which may be made on or against them or which they may incur or have to pay in consequence of the construction use alteration repair or renewal of any such electricity mains or cables or the failure or want of repair thereof :

- (8) Any question or difference which shall arise between the Company and the corporation under the foregoing provisions of this section shall be determined by arbitration :
- (9) Nothing in this Act shall authorise any interference with any electric lines or works of the corporation to which the provisions of section 15 of the Electric Lighting Act 1882 apply except

A.D. 1935.
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in accordance with and subject to the provisions of that section and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions shall be deemed for the purposes of this subsection to extend to and include any electric lines or works of the corporation which are placed above ground.

For protec-
tion of
Lexden and
Winstree
Rural
District
Council.

40. Notwithstanding anything in this Act or shown on the originally deposited plans and sections the following provisions for the protection of the Lexden Council (in this section referred to as "the council") shall unless otherwise agreed between the company and the council have effect :—

- (1) In the construction of aqueduct (No. 3) authorised by this Act through the enclosures numbered on the originally deposited plans 5 and 8 in the parish of East Donyland the Company shall exercise to the fullest extent the powers of lateral deviation conferred by this Act and shall construct the said aqueduct at the extreme western side of the said enclosures :
- (2) The Company shall give six months' notice to the council of their intention to stop up or divert any roads within the district of the council under the powers of this Act accompanied by a plan showing the line and direction of any new road to be substituted therefor. The council may thereupon lay any new water mains in connection with their water undertakings which may be reasonably necessary by reason of the stopping up or diversion of such roads and all reasonable expenses incurred by the council in connection therewith shall forthwith be paid to the council by the Company :
- (3) If by reason of the construction of the Abberton reservoir any water mains and service connections of the council are rendered useless and no new water mains are laid by the council under the last preceding subsection in substitution for such first-mentioned mains the Company will within one month after the first filling of the Abberton reservoir pay to the

council a sum equal to the aggregate amount of the loan debt of the council then outstanding in respect of such first-mentioned mains and service connections : A.D. 1935.
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- (4) If the Company shall acquire any portion of the enclosure numbered on the originally deposited plans 12 in the parish of Abberton lying within twenty-five yards from the boundary fences of the council's pumping station on the north side of that enclosure they will if so requested by the council convey to the council that portion of the said enclosure at such price as shall be agreed between the Company and the council or failing agreement determined by arbitration :
- (5) Any difference which shall arise under this section between the Company and the council shall be determined by arbitration.

41. For the protection of the Central Electricity Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed between the board and the Company apply and have effect :— For protection of Central Electricity Board.

(1) In this section :—

"the signed plan" means the plan signed in duplicate by Johnstone Wright on behalf of the board and by T. & C. Hawksley on behalf of the Company ;

"the existing transmission line" means the portion situate between the points marked A and B on the signed plan of the 132,000 volt overhead main transmission line which has been erected by the board between Colchester and Rayleigh the position of part of which line is indicated by a blue line on the signed plan ;

"the substituted transmission line" means an overhead main transmission line designed for operation at 132,000 volts of the same capacity and efficiency as the existing transmission line and erected between the said points marked A and B in the position indicated by the red line shown on the signed plan

A.D. 1935.
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or in such other position (as near as practicable to the position so indicated) as may be determined by wayleave considerations and the need for the substituted transmission line not interfering with or being interfered with by the Abberton reservoir :

- (2) Notwithstanding anything in this Act the Company shall not execute any work so as to interfere with the existing transmission line until the substituted transmission line has been erected by the board in accordance with subsection (4) of this section and has been connected up with the remaining portions of the said main transmission line between Colchester and Rayleigh and put into service :
- (3) The board shall forthwith after receipt of notice in writing from the Company requiring them so to do use their best endeavours to obtain the necessary consents and wayleaves for the erection of the substituted transmission line :
- (4) The board shall as soon as practicable after obtaining such consents and wayleaves commence and with all reasonable dispatch complete the erection of the substituted transmission line and connect the same at the said points marked A and B to the remaining portions of the said main transmission line between Colchester and Rayleigh and shall forthwith after the completion of such erection and connection put the substituted transmission line into service and take down and remove the existing transmission line :
- (5) The Company shall pay to the board on demand the amount by which the costs charges and expenses reasonably incurred by the board in connection with the provision erection and connection of the substituted transmission line (including any capital payments for or in connection with the granting or obtaining of any such consents and wayleaves as aforesaid) and the taking down and removal of the existing

transmission line shall exceed the value of the existing transmission line when removed : A.D. 1935.
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- (6) The Company shall also pay to the board within one month after the end of every year ending on the thirty-first day of December the amount (if any) by which the expenses reasonably incurred by the board during the year in maintaining the substituted transmission line (including any revenue payments properly made during the year in respect of any such consents and wayleaves as aforesaid) shall exceed the expenses which would have been reasonably incurred by the board during the year in maintaining the existing transmission line (including any revenue payments which would have been properly made during the year in respect of any consents and wayleaves under which the existing transmission line could have been retained in its present position) if the existing transmission line had not been removed :
- (7) The Company shall permit the board without payment to enter upon and use the lands of the Company for the purpose of erecting the substituted transmission line in the position indicated by the red line shown on the signed plan or in such other position as aforesaid and thereafter maintaining repairing renewing inspecting and using in perpetuity the substituted transmission line. Provided that the board shall make good any damage done to the lands of the Company by any such operations other than the erection of the substituted transmission line :
- (8) Any difference which shall arise between the board and the Company under this section shall be determined by an engineer to be agreed upon between the board and the Company or (failing agreement) to be appointed by the President of the Institution of Electrical Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

A.D. 1935.

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For protec-
tion of
Essex
Rivers
Catchment
Board &c.

42. Notwithstanding anything in this Act the following provisions for the protection of the catchment board shall unless otherwise agreed in writing between the catchment board and the Company apply and have effect :—

(1) In this section unless the context otherwise requires—

“ the catchment board ” means the Essex Rivers Catchment Board ;

“ the catchment area ” means the Essex Rivers catchment area as for the time being constituted ;

“ drainage authority ” means a drainage board constituted or to be treated as having been constituted under the Land Drainage Act 1930 and having jurisdiction in the catchment area and includes the Colne Internal Drainage Board and (as from the date of its constitution) the Maldon Wivenhoe and Clacton Internal Drainage Board ;

“ banks ” has the meaning assigned to that expression by the Land Drainage Act 1930 ;

“ watercourse ” includes—

(i) any main river and any other river and any stream ditch drain cut culvert dyke sluice sewer or passage through which water flows and the banks thereof ; and

(ii) any drainage work and the banks thereof ;

under the jurisdiction of any drainage authority ;

“ apparatus ” includes any structure or appliance for controlling or regulating the flow of water in into through or out of any watercourse and any machinery under the control of any drainage authority ;

“ bridge ” means any bridge vested in or under the control of any drainage authority ;

“ authorised work ” means any work authorised by this Act or by any provision extended to or applied to the Company by this Act but does not include any pumping station filtration works or reservoir : A.D. 1935.
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- (2) The Company shall not for the purposes of any aqueduct or waste water conduit authorised by this Act acquire any part of any lands of the catchment board or any drainage authority but the Company may acquire and the catchment board or any drainage authority shall if so required by the Company grant to the Company such easements in any such lands as the Company may require for constructing maintaining inspecting and using and from time to time repairing or renewing any such aqueduct or waste water conduit and works connected therewith in through under or on any such lands and may give notice to treat in respect of such easements describing the nature thereof The consideration to be paid for any easement acquired by the Company in pursuance of this subsection shall if not agreed with the catchment board or drainage authority (as the case may be) be determined in the manner provided by the Lands Clauses Acts.

Nothing in this section shall restrict the exercise by the Company of any powers conferred on them by this Act to acquire any lands of the catchment board or any drainage authority for any purposes of this Act other than the purposes of an aqueduct or waste water conduit :

- (3) In the execution and maintenance of any authorised work the Company shall not diminish the width for the time being between the banks of any watercourse except with the consent of the catchment board which shall not be unreasonably withheld :
- (4) Except with the consent of the catchment board which shall not be unreasonably withheld the Company shall not execute any authorised work (being an aqueduct or a work in connection with

A.D. 1935.
—

or subsidiary to an aqueduct) which affects any watercourse otherwise than—

(a) in such manner as not to interrupt the free passage of water in through into or out of such watercourse; and

(b) (i) in such manner as to allow the free passage of flood waters round under or over the work as the case may require; or

(ii) in the case of aqueduct (No. 3) where constructed across the Salary Brook or the Roman River in such manner that the top or upper surface of the work shall be at such depth below the bed of the brook or river not being more than three feet as the catchment board shall specify; or

(iii) so that (without prejudice to the provisions of subparagraph (ii) of this paragraph) the top or upper surface of the work shall be situate at such depth below such watercourse as to allow of the proper cleansing and scouring of such watercourse and of the deepening of the bed thereof and the widening of the channel thereof to such extent as may be reasonably necessary for the improvement of such watercourse :

- (5) The line or lines of pipes constituting aqueduct (No. 9) shall be so constructed that the aggregate capacity thereof shall not at any time except with the consent of the catchment board which shall not be unreasonably withheld exceed the capacity of a pipe with an internal diameter of eighteen inches. The catchment board shall before giving any consent under this subsection consult with the drainage authority having jurisdiction over the watercourse flowing into Salcott Creek :
- (6) The Company shall maintain weir (No. 2) at all times in an efficient condition :
- (7) In the execution maintenance and user of any authorised work the Company shall take all reasonable precautions to prevent interference with the flow of water in into through or out

of any works of the catchment board or any drainage authority or with the efficiency of any such works and to prevent the deposit from any work of the Company of any solid matter in any watercourse : A.D. 1935.
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- (8) (a) Before commencing to execute so much of any authorised work as might affect any watercourse the Company shall submit to the catchment board particulars plans sections and working drawings for their reasonable approval. If the catchment board shall not within twenty-eight days after the receipt by them of any such particulars plans sections and drawings signify to the Company in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(b) Such portion of the authorised work shall not be executed otherwise than in accordance with such particulars plans sections and working drawings as may be approved by the catchment board or if such approval be withheld as may be settled by arbitration and shall be constructed to the reasonable satisfaction of the catchment board and under the superintendence of their engineer if the engineer elect to superintend after receiving reasonable previous notice of the date when the work is to be commenced;

(c) The catchment board shall before approving any particulars plans sections or working drawings submitted to them under this subsection so far as the same relate to any watercourse or apparatus under the jurisdiction of or any bridge vested in or under the control of any drainage authority not being the catchment board consult with such authority :

- (9) The Company shall at all reasonable times during the construction repairing or renewing of any authorised work afford to the engineer of the catchment board and his duly authorised representatives access to the authorised work for the purpose of inspection :

- (10) (a) Not less than fourteen days before commencing to discharge water directly or indirectly into any watercourse in the exercise of

A.D. 1935.
—

the powers of this Act the Company shall (except in case of emergency) give to the catchment board notice in writing of their intention so to do specifying the date time of commencement and probable duration and rate of the discharge and the point at which the water will be discharged;

(b) Where the Company discharge water during an emergency they shall forthwith give to the catchment board notice thereof in writing and such further particulars relative to such discharge as the catchment board may reasonably require;

(c) Nothing in this subsection shall apply to the overflow of water from the Abberton reservoir but the Company shall when requested so to do by the engineer of the catchment board or his duly authorised representative give to the said engineer such information as the Company may possess regarding the rate of discharge and the total discharge of the overflow water :

- (11) The construction or repair of any authorised work so far as it affects a watercourse shall be completed with all reasonable dispatch :
- (12) The Company shall at all times keep the catchment board and any other drainage authority indemnified against all damages losses costs and expenses which they may sustain or be liable for or reasonably and properly incur by reason or in consequence of any injury or damage which may be caused or result to any watercourse apparatus or bridge or any obstruction which may be caused or result in any watercourse by or in consequence of or in connection with the execution of any authorised work or the discharge of water whether under the powers of this Act or of section 19 (Discharge of water into streams) of the Act of 1921 :
- (13) Nothing in this Act shall in any way limit or affect the powers of the catchment board or any other drainage authority at any time to remove alter rebuild widen or repair any bridge over or near or attached to which any aqueduct conduit

main pipe valve meter post pole tube cable A.D. 1935.
electricity or other wire or other apparatus or
appliance (hereinafter in this subsection referred
to as "plant") of the Company is carried in the
same manner as the catchment board or other
drainage authority might have removed altered
rebuilt widened or repaired such bridge if this
Act had not been passed and the said plant had
not been carried over or near or attached to
such bridge and the catchment board or
other drainage authority shall not make any
compensation to the Company for any expense
or loss to which the Company may be put by
reason or in consequence of any such removal
alteration rebuilding widening or reparation
If any bridge over or near or attached to which
any such plant is carried be removed altered
rebuilt widened or repaired as aforesaid the
Company shall at their own cost in all things
alter the position of any such plant Provided
that during the removal alteration rebuilding
widening or reparation of such bridge the
catchment board or other drainage authority
shall at the expense of the Company afford all
reasonable facilities to enable the Company
temporarily to carry such plant across any
watercourse so as not to interrupt the con-
tinuity of the supply of water or electricity (as
the case may be) through or along such plant or
to diminish the pressure of any such supply of
water :

- (14) Any question or dispute which may arise under
this section between the catchment board and
the Company (save as to the construction of
this section) shall be settled by arbitration :
- (15) The provisions of this section shall be in addition
to and not in derogation of any other provision
of this Act enuring for the protection or benefit
of the catchment board or any other drainage
authority and except as expressly provided in
this Act nothing in this Act shall prejudice
lessen or affect any of the rights and powers of
the catchment board or any drainage authority
under the Land Drainage Act 1930.

A.D. 1935.

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For protec-
tion of
Stour
Catchment
Board.

43. Notwithstanding anything in this Act the following provisions for the protection of the Stour Catchment Board shall unless otherwise agreed in writing between the Company and the Stour Catchment Board apply and have effect:—

(1) In this section unless the context otherwise requires—

“the Stour area” means the river Stour (Essex and Suffolk) catchment area as for the time being constituted;

“drainage authority” means a drainage board constituted or to be treated as having been constituted under the Land Drainage Act 1930 and having jurisdiction in the Stour area;

“banks” has the same meaning assigned to that expression by the Land Drainage Act 1930;

“watercourse” includes—

(i) any main river and any other river and any stream ditch drain cut culvert dyke sluice sewer or passage through which water flows and the banks thereof;

(ii) any drainage work and the banks thereof;

under the jurisdiction of any drainage authority;

“apparatus” includes any structure or appliance for controlling or regulating the flow of water in any watercourse and any machinery under the control of any drainage authority;

“bridge” means any bridge vested in or under the control of any drainage authority;

“authorised work” means a work authorised by this Act to be executed:

(2) Save as expressly provided by this Act nothing in this Act shall take away affect prejudice or diminish any right interest power or jurisdiction

of the Stour Catchment Board or any other drainage authority under the Land Drainage Act 1930 or under any other Act or any Order relating to them including any right of the Stour Catchment Board of acquiring the undertaking powers rights duties and obligations under the Stour Navigation Acts but nothing in this subsection shall be construed as taking away affecting prejudicing or diminishing any protection conferred on the Company by the Land Drainage Act 1930 or any right of the Company under that Act : A.D. 1935.
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- (3) Nothing in this Act shall prevent the Stour Catchment Board or any other drainage authority from exercising any powers now vested in them of regulating the level of the water in the river Stour at or above Stratford St. Mary Mill Provided that the level of water in the reach of the river immediately above that mill shall not be reduced by the Stour Catchment Board or any such drainage authority below the level of twenty feet and nine inches above the old (Liverpool) Ordnance datum :
- (4) The Company shall not construct so much of the aqueducts (No. 2) and (No. 3) authorised by this Act or of any work in connection with or subsidiary to those aqueducts respectively as will cross or otherwise affect the river Stour in any other manner than so that it shall be situate below the surface of the ground and that the top or upper surface of any portion which will be situate under the said river shall be at such depth below the river as to allow of the proper cleansing and scouring of that river and of the deepening of the bed thereof to such extent as may be reasonably necessary for the improvement of the river :
- (5) In the execution of any authorised work the Company shall not diminish the width between the banks of any watercourse except with the consent of the catchment board which shall not be unreasonably withheld :

A.D. 1935.
—

- (6) Subject to the provisions of subsection (4) of this section and except with the consent of the catchment board (which shall not be unreasonably withheld) the Company shall not execute any authorised work (other than the weir (No. 1) and the intake at the commencement of the aqueduct (No. 1) authorised by this Act) which affects any watercourse otherwise than—

(a) in such manner as not to interrupt the free passage of water through or in such watercourse; and

(b) (i) in such manner as to allow the free passage of flood waters under the work; or

(ii) so that the top or upper surface of the work shall be situate at such depth below such watercourse as to allow of the proper cleansing and scouring of such watercourse and of the deepening of the bed thereof to such extent as may be reasonably necessary for the improvement of such watercourse :

- (7) (a) The Company before commencing to execute so much of any authorised work as will be situate in over or under or as might interfere with or affect any watercourse apparatus or bridge shall submit to the catchment board plans and sections and (when reasonably required by the catchment board) working drawings thereof for their reasonable approval. If the catchment board do not within twenty-eight days after the submission to them of any such plans sections and drawings signify to the Company in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(b) Such portion of the authorised work shall not be executed otherwise than in accordance with such plans sections and drawings (if any) as may be approved by the catchment board or if such approval be withheld as may be settled by arbitration as hereinafter provided and shall be executed to the reasonable satisfaction of the catchment board and under the superintendence of the engineer to the catchment board if the engineer elect to superintend after receiving

notice of the date when the work is to be commenced : A.D. 1935.

- (8) The Company shall at all reasonable times afford to the engineer of the catchment board or his duly authorised representatives access to any authorised work which is situate in over or under or affects any watercourse apparatus or bridge for the purpose of inspection :
- (9) The Company shall at all times keep the catchment board and any other drainage authority indemnified against all damages losses costs and expenses which they may sustain or be liable for or reasonably incur by reason or in consequence of any injury or damage which may be caused or result to any watercourse apparatus or bridge or any obstruction which may be caused or result in any watercourse by or in consequence of or in connection with the execution of any authorised work :
- (10) Any matter or thing by this section referred to or required to be settled by arbitration and any dispute or differences which may arise under this section between the catchment board or their engineer and the Company (save as to the construction of this section) shall be settled by arbitration :
- (11) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act enuring for the protection or benefit of the catchment board or any other drainage authority.

44. The agreement made on the fourth day of June nineteen hundred and thirty-five between the Stour Catchment Board and the Company and set forth in the Fourth Schedule to this Act is hereby confirmed and made binding on the Company and the Stour Catchment Board and due effect shall be given thereto accordingly.

Confirma-
tion of
agreement
with Stour
Catchment
Board.

45. Notwithstanding anything in this Act the following provisions for the protection of the Tendring Hundred Waterworks Company (in this section referred to as "the Tendring Company") shall unless otherwise

For protec-
tion of
Tendring
Hundred

A.D. 1935. agreed in writing between the Company and the Tendring
— Company apply and have effect :—

Waterworks
Company.

(1) In this section—

“ The Dedham pumping station ” means the well and pumping station as the same was authorised under that name by the Tendring Hundred Water and Gas Act 1912 (hereinafter referred to as “ the Act of 1912 ”) and as the same may at any time hereafter be revived sanctioned or confirmed by Parliament or other competent authority and includes all wells boreholes or other works for the abstraction of water within the limits of deviation for the Dedham pumping station as then described shown upon the deposited plans relative to the Bill for the Act of 1912 now or hereafter to be so authorised sanctioned or confirmed in connection with the said well and pumping station and all pumping machinery works and apparatus from time to time used in connection therewith ;

“ The Dedham borehole ” means the borehole constructed by the Tendring Company within the limits of deviation for the Dedham pumping station as then described shown upon the deposited plans relative to the Bill for the Act of 1912 as existing at the date of the passing of this Act ;

“ The signed plan ” means the plan signed in duplicate by W. J. E. Binnie on behalf of the Company and by Sidney Robert Raffety on behalf of the Tendring Company one copy of which has been retained by the Company and the other by the Tendring Company ;

“ The Lawford pumping station ” and “ the Mistley pumping station ” mean respectively the existing Lawford and Mistley wells and pumping stations of the Tendring Company :

(2) The Company shall not at any time object to or seek to prevent the use by the Tendring Company of the Dedham borehole for the purposes of their undertaking :

- (3) The Company shall not oppose any application at any time made by the Tendring Company to Parliament or other competent authority for powers either— A.D. 1935.
—

(a) for the sanction and confirmation of the Dedham borehole; or

(b) for the revival of the powers relating to or the sanction of the Dedham pumping station; or

(c) for the construction of any well borehole adit or pumping station to be situate east of the line drawn north and south upon the signed plan and thereon defined (and hereinafter in this section referred to) as “the specified line”;

nor in any of the said cases any application by the Tendring Company for all necessary powers for the construction of subsidiary and ancillary works and for the abstraction of underground water by means of such well borehole adit pumping station and works and the use of the same for all or any of the purposes of their undertaking for the time being and of the exercise of their statutory powers for the time being :

- (4) The Company shall not without the previous consent in writing of the Tendring Company at any time apply to Parliament or other competent authority for statutory powers to construct any well borehole adit or pumping station to be situate east of the specified line nor in any situation at a less distance from the Dedham borehole than the most easterly of the Langham boreholes nor shall the Company without such consent as aforesaid deepen extend or enlarge the Langham boreholes as existing at the date of the passing of this Act nor install therein any apparatus whereby greater quantities of water may be obtained therefrom without any such deepening extension or enlargement as aforesaid :

- (5) If and whenever after the bringing into use by the Tendring Company of the Dedham pumping

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station during any period in which the Company may be entitled under the provisions in that behalf contained in this Act to pump water from the Langham boreholes it is agreed between the Company and the Tendring Company or determined under this section that the pumping of water by the Company at the Langham boreholes has diminished the quantity of water obtained by the Tendring Company by pumping at the Dedham pumping station below the quantity which would have been obtained by the Tendring Company by such pumping if such pumping by the Company at the Langham boreholes had not taken place (the amount of such diminution being hereinafter in this section referred to as "the deficiency water") then the Company shall forthwith upon the request of the Tendring Company either—

(a) cease the pumping of water by them at the Langham boreholes or restrict such pumping to such an extent as may be necessary in order that the Tendring Company shall be able to obtain by pumping at the Dedham pumping station an additional quantity of water not less than the deficiency water; or

(b) (at the option of the Company if and so often as they may be in a position so to do) supply and deliver to the Tendring Company either at the Dedham pumping station or at such point not more distant from the most easterly of the Langham boreholes than the Dedham pumping station to be agreed between the Company and the Tendring Company or (in case of difference) determined under this section such quantity of water of satisfactory quality both chemically and bacteriologically as shall be equal to the deficiency water:

Provided that the Company shall not be required to comply with the foregoing provisions of this subsection upon any such request by the Tendring Company as aforesaid if it shall be proved that at the material time or times the Tendring Company were pumping from the Dedham pumping station a quantity

A.D. 1935.

of water in excess of the quantity reasonably required to be pumped therefrom regard being had to the quantity reasonably obtainable by them from the Lawford and Mistley pumping stations as for the time being developed :

- (6) The price to be paid by the Tendring Company to the Company for deficiency water supplied to them under the provisions of subsection (5) of this section shall be such price as shall be either agreed upon between them or determined under this section as equivalent to the working cost which would have been incurred by the Tendring Company if the same quantity of water had been pumped by them at the Dedham pumping station :
- (7) In addition and without prejudice to the provisions of subsection (5) of this section if and whenever after the bringing into use by the Tendring Company of the Dedham pumping station and during any period in which the Company may be entitled under the provisions in that behalf contained in this Act to pump water from the Langham boreholes it is agreed between the Company and the Tendring Company or determined under this section that the pumping of water by the Company at the Langham boreholes has the effect of lowering the level from which water has to be raised by the pumping machinery of the Tendring Company for the time being installed at the Dedham pumping station below the corresponding level when such pumping at the Langham boreholes is not taking place the Company shall pay to the Tendring Company such sum as shall be either agreed upon or determined as aforesaid as equivalent to the additional cost of pumping incurred by the Tendring Company by reason of the lowering of such level :
- (8) For the purpose of ascertaining the quantity of water pumped by the Tendring Company at the Dedham pumping station the Tendring Company shall provide and fix and shall thereafter maintain a proper and suitable meter (including such automatic recorders as shall be

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—

reasonably required) through which the quantity of water pumped at the Dedham pumping station shall pass. The Company and the Tendring Company respectively shall also keep proper records of the levels of the water in the Langham boreholes the Dedham borehole and the Dedham pumping station. The said meter and the records obtained by means thereof and the said records of levels shall be open at all reasonable times to the inspection of the other of them or their duly accredited representatives upon not less than three days' previous notice and the Company and the Tendring Company and such representatives may if they so desire take copies of any such records :

- (9) Any difference which shall arise under this section between the Company and the Tendring Company shall be referred to arbitration. Provided that for the purposes of any such arbitration the fact that the pumping of water by the Company at the Langham boreholes in the years nineteen hundred and thirty-three and nineteen hundred and thirty-four affected the rest level of the water in the Dedham borehole shall be deemed to have been proved.

As to laying
of pipes by
Colchester
Gas Com-
pany and
Company.

46.—(1) Whenever the Company in exercise of the powers of this Act require to execute any work over under or within three feet of any main pipe or apparatus of the Colchester Gas Company (in this section referred to as "the gas company") or whenever the gas company in the exercise of their statutory powers require to execute any work over under or within three feet of any main pipe or apparatus of the Company laid or executed in pursuance of the powers of this Act the Company or the gas company as the case may be (in this section referred to as "the operators") shall unless otherwise agreed between them give to the gas company or the Company as the case may be (in this section referred to as "the owners") not less than twenty-four hours' notice before commencing to execute any such work as aforesaid except in cases of emergency and then as soon as is possible after the beginning of the work or the necessity for the same shall have arisen and the owners shall be entitled by their officer to superintend the work and the operators shall conform with

such reasonable requirements as may be made by the owners or such officer for protecting from injury every such main pipe or apparatus and for securing access thereto and shall also if required so to do by the owners repair any damage that may be done thereto. A.D. 1935.

(2) Where the operators find it necessary to undermine any such main pipe or apparatus they shall temporarily support it in position during the execution of their works and before completion provide a suitable and proper foundation for the same where so undermined.

(3) If the operators make default in complying with any of the requirements of this section they shall make full compensation to the owners for any loss damage penalty or costs which they may incur by reason thereof.

(4) If the Company lay any aqueduct authorised by this Act under and across a road within the limits of supply of the gas company and under the provisions of the Colchester Gas Acts and Orders 1866 to 1930 any mains which the gas company may desire to lay in that road at the point of crossing of the said aqueduct must be laid at such a depth that not less than two feet will intervene between the surface of the road and the upper surface of the main the Company will lay the said aqueduct under the road at such depth that not less than three feet six inches will intervene between the surface of the road and the upper surface of the aqueduct.

(5) Any difference which may arise between the Company and the gas company under this section shall be referred to arbitration.

47. Notwithstanding anything in this Act or shown on the originally deposited plans the following provisions for the protection of Captain Charles Edgar Maturin-Baird his heirs or assigns or other the owner or owners for the time being of the specified lands (as hereinafter defined) in the parish of Langham (all of whom are in this section referred to as "the owner") shall unless otherwise agreed in writing between the owner and the Company apply and have effect :— For protec-
tion of
Captain
Maturin-
Baird.

(1) The Company shall not purchase or acquire any of the lands numbered on the originally deposited plans 10 11 12 28 29 30 31 32 and 33 in the parish of Langham (hereinafter referred to as "the specified lands") but the Company

A.D. 1935.
—

may purchase and the owner if so required by the Company shall grant to the Company such easements as the Company may require for constructing maintaining inspecting using and from time to time repairing or renewing the aqueduct (No. 2) authorised by this Act and any necessary works connected therewith so authorised under or on the specified lands and may give notice to treat in respect of such easements describing the nature thereof The consideration to be paid for any easement acquired by the Company in pursuance of this subsection shall if not agreed with the owner be determined in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and the easements to be so acquired shall be deemed to be lands for all of the purposes of those Acts Provided that any easement so acquired by the Company from the owner shall not extend to any greater width than thirty-five feet :

- (2) No permanent house or building shall be constructed on any part of the specified lands :
- (3) As regards any lands in respect of which the Company have acquired easements under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owner and occupiers shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed :
- (4) Not less than one month before commencing to execute any work under or on the specified lands the Company shall submit to the owner plans sections and particulars of the intended work (except in case of emergency when in lieu of submitting such plans sections and particulars the Company shall give to the owner such notice of their intention to commence such execution as may be reasonably practicable) and the Company shall not commence the execution of any such work until the plans sections and particulars thereof shall have been approved by

the owner or settled by arbitration as hereinafter, A.D. 1935.
provided Provided that if the owner shall not
within twenty-one days after the receipt by
him of any such plans sections and particulars
intimate to the Company any objection thereto
he shall be deemed to have approved the plans
sections and particulars as submitted to him
by the Company :

- (5) The Company shall not execute any work under or on any arable land forming part of the specified lands during the months of June July August or September :
- (6) When the Company shall commence the execution of any work under or on any part of the specified lands they shall proceed with such execution with all reasonable dispatch and shall complete the same and restore the surface of the ground within the reasonably shortest period :
- (7) At all times while any trench or excavation dug by the Company their contractors or agents in the specified lands remains open the Company shall keep such trench or excavation properly fenced and guarded and if any horses cattle or other livestock of the owner shall be killed or injured by falling into any such trench or excavation by reason of any negligence on the part of the Company the Company shall make full compensation to the owner therefor :
- (8) In filling in any trench or excavation dug by the Company in the specified lands the Company shall use only the excavated material and shall replace the same in layers so that the condition of the subsoil shall be as nearly as practicable the same as before the trench or excavation was dug :
- (9) All surplus soil or material excavated in the construction or maintenance of any works in the specified lands shall be deposited on such part or parts of the specified lands as the owner may reasonably approve :
- (10) All works of the Company under or on the specified lands (including the restoration of the surface of the ground) shall be carried out to the reasonable satisfaction of the owner :

A.D. 1935.
—

- (11) All footpaths watercourses pipes hedges walls fences gates sewers drains or other like matters and things belonging to the owner which may be interfered with or injured or otherwise injuriously affected by the Company during the construction inspection maintenance repairing or renewal of the said aqueduct (No. 2) so far as it is situate in the specified lands shall subject to the provisions of this section be made good as soon as reasonably practicable by and at the expense of the Company who shall in such construction inspection maintenance repairing and renewal do as little damage as is reasonably practicable to the lands of the owner and to the user and enjoyment thereof :
- (12) The Company shall exercise all reasonable precautions in the construction of the said aqueduct (No. 2) so as not to divert intercept take appropriate or prejudicially affect any springs or streams or any water tributary to such springs or streams affording a supply of water to the owner :
- (13) No telegraph or telephone wires or other means of like communication shall be laid by the Company above ground through the specified lands :
- (14) The Company shall take all reasonable means for preventing persons in the employ of themselves or their contractors or sub-contractors trespassing on the lands of the owner and in the case of any such trespass the Company shall pay reasonable compensation to the owner for any damage caused thereby :
- (15) The Company shall not in any fence (whether temporary or permanent) to be erected by them on any part of the specified lands use any wire whether barbed or otherwise or any wire netting except with the consent of the owner which shall not be unreasonably withheld :
- (16) The Company shall make full compensation to the owner and his tenants and lessees for any damage or reasonable expense they may incur by reason or in consequence of the leaking bursting or giving way of the said aqueduct

(No. 2) due to the negligence or default of the Company or their contractors sub-contractors or workmen : A.D. 1935.

- (17) The Company shall in addition to any other compensation payable to the owner his lessees or tenants under the provisions of this Act or any Act incorporated therewith be responsible for and pay to the owner his lessees and tenants full compensation for all damage done by fires caused by engines or locomotives used by the Company in the construction of the said aqueduct (No. 2) through the specified lands :
- (18) In the construction maintenance and user of the said aqueduct (No. 2) the Company shall do as little damage as reasonably may be to any trees upon any part of the specified lands :
- (19) Before commencing any haulage of materials and things for the execution of the works authorised by this Act on or over any roads on or through the lands of the owner not repairable by the inhabitants at large the Company shall give notice in writing to the owner and shall during the period of such haulage maintain and repair and forthwith after the completion of such haulage restore such roads to as good a condition as that in which they were before the haulage was commenced :
- (20) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof incorporated with this Act shall not apply with respect to any lands of the owner :
- (21) Any question (other than any question to which the provisions of the Lands Clauses Acts apply) which shall arise between the Company and the owner under this section shall be determined by arbitration.

48. Notwithstanding anything in this Act or shewn upon the deposited plans and sections or the substituted plans and sections the following provisions for the protection of the Rowhedge Sand and Ballast Company Limited or other the owner or owners for the time being

For protec-
tion of
Rowhedge
Sand and
Ballast
Company
Limited.

A.D. 1935. (in this section called "the owners") of the lands numbered on the substituted deposited plans 14 and 40 in the parish of East Donyland (in this section referred to as "the said lands") or of any part of those lands shall except so far as may be otherwise agreed in writing between the Company and the owners apply and have effect :—

- (1) The Company shall not acquire any part of the said lands but they may acquire such easements or rights in the said lands as they may require for the construction maintenance user extension enlargement alteration renewal and removal of the aqueduct (No. 3) authorised by this Act and of any subsidiary or other works in connection therewith (in this section collectively referred to as "the aqueduct") The Company shall give to the owners a notice to treat in respect of the said easements or rights before the expiration of six months after the passing of this Act.

The consideration to be paid for the easements or rights to be acquired by the Company in pursuance of this subsection shall if not agreed between the Company and the owners be determined in manner provided by the Lands Clauses Acts :

- (2) No permanent house or building and no machinery works or apparatus shall be constructed on any part of the said lands other than the aqueduct and the aqueduct where it passes through the said lands shall be constructed at such depth that there shall be not more than twelve feet between the top of any line of pipes forming part of the aqueduct and the natural surface of the ground :
- (3) The Company shall not except with the consent of the owners fence off or sever from the adjoining lands any lands forming part of the said lands but after the covering in of the aqueduct the owners their lessees tenants and licensees shall have the same rights of passing over and using such lands for all purposes other than building thereon including the construction maintenance and user over or under the aqueduct of any roads drains or pipes (including in

particular field drainage pipes) as if easements or rights in such land had not been acquired by the Company but so as not in any way to injure or endanger the aqueduct or the water flowing therein or to impede or interfere with the exercise of the easements or rights acquired by the Company :

- (4) Before entering upon any part of the said lands for the purpose of constructing any work authorised by this Act the Company shall give not less than one month's notice in writing to the owners of their intention so to do and after the expiry of the notice the Company shall proceed with the execution of such work with all reasonable dispatch and shall complete the work within a reasonable time from such expiry subject however to the exercise by the Company of the powers of section 6 (Period for completion of works) of this Act :
- (5) Before commencing to construct any works upon in or through the said lands the Company shall submit to the owners for their reasonable approval plans sections and particulars of their proposed works so far as the same are intended to be constructed upon in or through the same.

The proposed works to which the said plans sections and particulars relate shall comply with the provisions of this section and shall be designed so as to cause as little interference as may be reasonably practicable consistently with the construction and maintenance of the aqueduct with the quarrying or working of the gravel sand or other minerals in or under the said lands and in particular so as to permit the owners for the purpose of excavating any gravel sand or other minerals in or under the said lands on the western side of the aqueduct to have access over and across the aqueduct with machines or trucks weighing when laden not more than twenty-five tons and with a line or lines of rails each sufficient to carry a locomotive weighing not more than six tons and twenty-five trucks weighing when laden not more than two tons each.

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If within one month after the receipt of such plans sections and particulars the owners intimate in writing to the Company any objection thereto or make any requirement with respect thereto with which the Company are unwilling to comply a difference shall be deemed to have arisen between the Company and the owners which shall be settled by arbitration but if no such objection or requirement shall be intimated or made within the last mentioned period of one month the owners shall be deemed to have approved the said plans sections and particulars as submitted to them and the said works shall be carried out in accordance with the said plans sections and particulars as approved by the owners or as settled by arbitration :

- (6) The Company shall not form any roads under the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act to or from or by the side of the aqueduct upon the said lands :
- (7) All surplus soil or material excavated in the construction or maintenance of the aqueduct and not carried away by the Company from the said lands shall be deposited in spoil heaps or spread on such part or parts of the said lands as the owners may reasonably approve and in such manner generally as the owners may reasonably require and any soil or material which the Company desire to take from the said lands under the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall be taken from such part of the said lands as the owners may reasonably approve :
- (8) Subject to the provisions of this section and to the payment of compensation by the Company in accordance with section 43 of the Railways Clauses Consolidation Act 1845 in respect of gravel sand and other minerals taken from the said lands under the provisions of that Act incorporated with this Act the said lands and the gravel sand and other minerals thereunder shall not be deemed for the purposes of those

provisions to be a stone or slate quarry brick-field or other like place within the meaning of section 32 of that Act : A.D. 1935.
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- (9) All footpaths pipes hedges walls fences gates sewers drains or other like matters and things belonging to the owners which are interfered with or injured or otherwise injuriously affected by the Company during the construction or maintenance of the aqueduct shall subject to the provisions of this section be made good as soon as reasonably practicable by the Company who shall in such construction and maintenance do as little damage as is reasonably practicable to the said lands and to the user and enjoyment thereof and shall make good any damage done and indemnify the owners against any claims or demands arising thereout :
- (10) The Company shall take all reasonable means for preventing persons in their employment or in the employment of their contractors or sub-contractors trespassing on the said lands or the other lands of the owners in the neighbourhood thereof :
- (11) Any question (other than any question to which the provisions of the Lands Clauses Acts apply) which shall arise between the Company and the owners under this section shall be determined by arbitration under this Act :
- (12) The foregoing provisions of this section shall so far as applicable extend and apply (*mutatis mutandis*) for the protection and benefit of the owners in relation to any extension enlargement alteration renewal or removal of the aqueduct and to the laying down of any additional lines of pipes by the Company under the provisions of section 6 (Period for completion of works) of this Act or otherwise.

49. Notwithstanding anything in this Act or shown on the deposited plans or the substituted deposited plans the following provisions for the protection of Daniel Abbott Green his heirs or assigns or other the owner or owners for the time being of the lands referred to in subsections (1) and (2) of this section (all of whom

For protection of Daniel Abbott Green.

A.D. 1935. — are in this section referred to as “the owner”) shall unless otherwise agreed in writing between the owner and the Company apply and have effect:—

- (1) The Company shall prior to the expiry of six months after the passing of this Act serve upon the owner a notice or notices to treat in respect of the interests of the owner in the whole of the lands hereinafter mentioned and shall not withdraw any such notice but nothing in this subsection shall affect the application to any mines or minerals under those lands of the provisions with respect to mines in the Waterworks Clauses Act 1847. The lands to which this subsection applies are the lands numbered respectively on the deposited plans or the substituted deposited plans—

2 3 8 9 10 11 12 13 and 14 in the parish of Peldon; and

11 21 22 23 24 25 26 27 and 28 in the parish of Abberton:

- (2) (a) The Company shall not acquire any part of the lands numbered on the substituted deposited plans 40 and 41 in the parish of East Donyland (hereinafter referred to as “the said lands”) but they may acquire such easements in the said lands as they may require for the construction maintenance user extension enlargement alteration renewal and removal of the aqueduct (No. 3) authorised by this Act and of any subsidiary or other works in connection therewith (hereinafter referred to as “the aqueduct”) Provided that any easement so acquired by the Company from the owner shall not extend to any greater width than forty feet;

(b) The Company shall give to the owner a notice or notices to treat in respect of the said easements before the expiry of six months after the passing of this Act and shall not withdraw any such notice;

(c) The consideration to be paid for the easements acquired by the Company pursuant to this subsection shall if not agreed between the Company and the owner be determined in

manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and the easements to be so acquired shall be deemed to be lands for all of the purposes of those Acts : A.D. 1935.
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- (3) (a) If the Company shall remove any part of either of the hedges situate respectively at the northern end and the southern end of the said lands they shall erect in substitution for the part of the hedge so removed gates of such size material and type as shall be agreed between the owner and the Company or failing agreement determined by arbitration and fitted with a suitable padlock having two keys of which one shall be retained by the Company and the other by the owner. The Company shall also after the erection of such gates maintain the gates in proper repair and keep the padlocks thereof locked ;

(b) If the Company shall remove any part of the hedge forming the boundary between the properties numbered respectively on the substituted deposited plans 40 and 41 in the parish of East Donyland the Company shall erect in substitution for the part of the hedge so removed a stile of such size material and type as shall be agreed between the owner and the Company or failing agreement determined by arbitration and shall thereafter maintain the stile in proper repair :

- (4) No permanent house or building and no machinery works or apparatus shall be constructed on any part of the said lands other than the aqueduct and the gates and stile mentioned in the last preceding subsection :
- (5) Before commencing to construct any works upon in or through the said lands the Company shall submit to the owner for his reasonable approval plans sections and particulars of their proposed works so far as the same are intended to be constructed upon in or through the same. The proposed works to which the said plans sections and particulars relate shall comply with the provisions of or incorporated with this section

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and shall be designed so as to cause as little interference as may be reasonably practicable consistently with the construction and maintenance of the aqueduct with the quarrying or working of the gravel sand or other minerals in or under the said lands.

If within one month after the receipt of such plans sections and particulars the owner intimates in writing to the Company any objection thereto or makes any requirement with respect thereto with which the Company are unwilling to comply a difference shall be deemed to have arisen between the Company and the owner which shall be settled by arbitration but if no such objection or requirement shall be intimated or made within the last mentioned period of one month the owner shall be deemed to have approved the said plans sections and particulars as submitted to him and the said works shall be carried out in accordance with the plans sections and particulars as approved by the owner or as settled by arbitration :

- (6) At all times while any trench or excavation dug by the Company their contractors or agents in the said lands remains open the Company shall keep such trench or excavation properly fenced and guarded and if any horses cattle or other livestock of the owner shall be killed or injured by falling into any such trench or excavation by reason of any negligence on the part of the Company the Company shall make full compensation to the owner therefor :
- (7) In filling in any trench or excavation dug by the Company in the said lands the Company shall use only the excavated material and shall replace the same in layers so that the condition of the subsoil shall be as nearly as practicable the same as before the trench or excavation was dug :
- (8) Before commencing any haulage of materials and things for the execution of the works authorised by this Act on or over the roadway forming the eastern boundary of the land numbered on the substituted deposited plans

41 in the parish of East Donyland the Company shall give notice in writing to the owner and shall during the period of such haulage maintain and repair and forthwith after the completion of such haulage restore such road to as good a condition as that in which it was before the haulage was commenced : A.D. 1935.

- (9) Subsections (3) (4) (6) (7) (8) (9) (10) (11) and (12) of section 48 (For protection of Rowhedge Sand and Ballast Company Limited) of this Act shall apply and have effect for the protection of the owner as if those subsections were re-enacted in this section with any necessary alterations and the expressions "the owners" and "the said lands" in those subsections respectively meant "the owner" and "the said lands" as defined in this section.

50. Notwithstanding anything in this Act the following provisions for the protection of Peggy de B. Bowen-Colthurst the Honourable Zoe Emma Maxwell and the Honourable Stella Frances Maxwell or other the owner or owners for the time being of the estate hereinafter in this section defined or any part or parts thereof shall except so far as may be otherwise agreed in writing between the Company and the person or persons for the time being entitled respectively to the benefit of the provisions of this section apply and have effect :—

For protection of Miss P. de B. Bowen-Colthurst and others.

- (1) In this section—

"The signed plan" means the plan which has been signed in duplicate by Walter S. Nicholson on behalf of the Company and by Charles Gerald Eve on behalf of the owners (as hereinafter in this section defined) one copy of which has been retained by the Company and the other by the said owners;

"The estate" means the lands shewn upon the signed plan and thereon edged with yellow;

"The remainder of the estate" means so much of the estate as shall not be acquired by the Company under the powers of this Act;

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“The owners” means and includes (as the context may require) the owner or owners for the time being either—

(i) of the estate; or

(ii) of the lands (being a portion or portions of the estate) which shall be acquired by the Company under the powers of this Act; or

(iii) of the remainder of the estate;

“The new works” means the works described in the paragraphs numbered 8 to 13 inclusive and 16 and 19 of subsection (1) of section 4 (Power to make works) of this Act and includes all works in connection therewith or subsidiary thereto :

- (2) The Company shall prior to the expiration of six months after the date of the passing of this Act serve upon the owners a notice or notices to treat in respect of all the interests of the owners in the lands coloured pink upon the signed plan but nothing in this subsection shall affect the application to any mines or minerals under those lands of the provisions with respect to mines in the Waterworks Clauses Act 1847 :
- (3) The Company shall not otherwise than by agreement with the owners acquire under this Act any of the lands coloured blue upon the signed plan or any interests of the owners therein or any easements in or rights over the said lands except that the Company shall acquire from the owners and the owners shall grant to the Company such easements or rights over the remainder of the estate as the Company may require for the construction maintenance user extension enlargement alteration renewal and removal of an aqueduct (consisting of a line or lines of pipes) together with all necessary or convenient machinery works and apparatus in connection with or subsidiary thereto so as to constitute an extension of the waste water conduit to be constructed in connection with the pumping station (No. 3) authorised by this Act by means of which aqueduct the waters to be

discharged from the said filtration works shall instead of being discharged into the watercourse (hereinafter in this section referred to as "the Rye Farm Stream") between the moat at Rye Farm and the Layer Brook be discharged into the Layer Brook at a point to the north of the dam of the Abberton reservoir. A.D. 1935.
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The consideration to be paid for the easements to be acquired by the Company in pursuance of this subsection shall if not agreed between the Company and the owners be determined in manner provided by the Lands Clauses Acts :

- (4) The aqueduct constructed by the Company in accordance with the provisions of subsection (3) of this section shall where it traverses the lands of the owners be constructed within the limits in that behalf marked on the signed plan and wholly underground and upon the completion of the same the Company shall not fence off or sever from the adjoining lands the lands under which it is constructed but after the covering in of the same the owners their lessees and tenants shall have the same rights of passing over or using such lands for all purposes other than building thereon as if no such easement or right as aforesaid of using the same had been acquired by the Company. Before the surface of the land under which the said aqueduct shall be constructed is broken or otherwise disturbed the Company shall first carefully remove the turf and vegetable soil and on completion of the works or any repairs or other maintenance shall to the reasonable satisfaction of the owners fill in all trenches and excavations and as far as possible evenly spread the soil and will replace the turf and restore the land occupied thereby or injured in consequence thereof as nearly as possible to its former level or state :
- (5) If the Company shall at any time determine to sell lease or otherwise dispose of any lands to be acquired by them from the owners under the powers of this Act they shall give notice in writing to the owners of their determination so

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to sell lease or otherwise dispose of the same and the owners shall be entitled upon giving to the Company written notice of their wish so to do at any time within three months of the receipt by them of the notice by the Company of such determination to purchase lease or otherwise acquire such land at a price or rent to be agreed or failing agreement to be settled by arbitration under this section and the provisions of section 22 (Retention and disposal of lands) of the Act of 1928 as extended and applied for the purposes of this Act shall only extend and apply to the said lands subject to the provisions of this subsection :

- (6) The Company shall prior to the Abberton reservoir being brought into use construct in the Rye Farm Stream at such point therein as may be agreed between the Company and the owners or in case of difference determined under this section a controllable hatch or sluice of such design as shall be so agreed or determined sufficient for the purposes of preventing any material increase in the velocity of the flow of water in the stream consequent upon the drying up or depletion of the water in the Layer Brook immediately to the north of and in consequence of the construction of the dam of the Abberton reservoir and shall at all times at their own expense maintain the said hatch or sluice which shall in all other respects be under the control and management of the owners in efficient order and condition The owners shall at all times afford to the Company all reasonable facilities to enable the Company to comply with the provisions of this subsection :
- (7) The Company will not wilfully or knowingly use or permit the lands to be acquired by them from the owners under this section to be used for any purpose other than agriculture and the purposes of the water undertaking :
- (8) Before entering upon any part of the estate for the purpose of constructing any of the new works the Company shall give not less than one month's notice in writing to the owners of their

intention so to do and the construction of such works shall so far as is reasonably practicable be thereafter proceeded with expeditiously until completion : A.D. 1935.

- (9) The Company shall erect and maintain all such temporary fences and execute all such temporary works as may be reasonably necessary for preventing any injury to cattle sheep or other animals of the owners during the construction or in consequence of any of the new works and shall when the said new works are completed remove such temporary fences or other temporary works :
- (10) The Company shall not use barbed wire in any fence to be erected by them on the lands of the owners to be acquired by the Company under this Act :
- (11) All footpaths watercourses pipes water supplies hedges walls fences gates ditches culverts drains and other like matters and things belonging to the owners which may be interfered with or injured or otherwise injuriously affected by the Company during the construction or maintenance of any of the new works shall be made good as soon as practicable by the Company who shall in such construction and maintenance do as little damage as is reasonably practicable to the estate and to the user and enjoyment thereof :
- (12) Before any buildings situate upon the lands of the owners to be acquired by the Company under the provisions of this Act upon which the Abberton reservoir is proposed to be constructed are submerged the Company will permit the owners to take therefrom and use for their own purposes and at their own expense any building materials fittings or fixtures at such price as may be agreed between the Company and the owners or as failing agreement shall be determined by arbitration under this section :
- (13) The Company shall in addition to any other compensation payable to the owners their lessees or tenants under or by virtue of this Act

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make full compensation to the owners and their lessees or tenants for—

(a) all damage and loss caused directly or indirectly by any negligence of the Company in the construction maintenance or use of any of the new works;

(b) all damage and loss occasioned to their stock trees or crops by any act of the Company their officers or contractors or any workmen employed by them respectively during the construction maintenance or use of any of the new works; and

(c) all damage and loss done by fire caused by engines or locomotives used by the Company in the construction maintenance or use of any of the new works or otherwise by the operations of the Company :

(14) Before commencing any haulage of materials and things for the execution of the new works on or over any roads on through leading to or abutting upon the estate not repairable by the inhabitants at large the Company shall give notice in writing to the owners and shall during the period of such haulage adequately maintain and repair such roads regard being had to the purposes for which the same are used by the owners at the date of the passing of this Act and forthwith after the completion of such haulage shall restore such roads to as good a condition as that in which they were before the haulage commenced :

(15) The Company shall not form any roads upon the remainder of the estate under the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act :

(16) (a) All spoil and material obtained in or in connection with the construction or maintenance of any of the works authorised by this Act and which shall not be required by the Company in connection with the construction and maintenance of such works or any part thereof shall if the Company desire to deposit the same on

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or spread the same over any part of the remainder of the estate be deposited on or spread over such place or places and upon and subject to such terms and conditions and subject to the payment by the Company of such compensation (if any) as shall be agreed between the Company and the owners or in default of agreement settled by arbitration under this section;

(b) Except in accordance with the terms of this subsection the Company shall not deposit any such spoil or material on any part of the remainder of the estate;

(c) Any soil or material which the Company desire to take from the remainder of the estate under the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall be taken from such part of such remainder as the owners may reasonably approve :

- (17) The Company shall both during and after the construction of the new works take all reasonable means to prevent trespass on the remainder of the estate by persons in their employment or in the employment of their contractors and shall take all practicable steps to prevent dogs being kept by any such persons during the construction of the new works :
- (18) In the construction maintenance and user of the new works the Company shall do as little damage as reasonably may be to any trees upon any part of the estate other than trees and hedges below water level :
- (19) No permanent telegraph or telephone wires or other like means of communication shall be laid by the Company through the remainder of the estate except with the consent of the owners but such consent shall not be unreasonably withheld :
- (20) If any question (other than any question to which the provisions of the Lands Clauses Acts apply) shall arise between the Company and the owners under this section the same shall be determined by arbitration under this Act :

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(21) The foregoing provisions of this section shall so far as applicable extend and apply (*mutatis mutandis*) for the protection and benefit of the owners in relation to any extension enlargement alteration renewal or removal of any of the new works under the provisions of section 6 (Period for completion of works) of this Act or to any exercise by the Company of any of the powers with respect to the construction of works conferred by the Acts incorporated with this Act or otherwise :

(22) The provisions of this section shall be in addition to and not in derogation of any rights of the owners under any other provisions of this Act or any Act or part of any Act incorporated therewith.

For protection of
London
and North
Eastern
Railway
Company.

51. Section 41 (For protection of London and North Eastern Railway Company) of the Act of 1928 shall extend and apply to the powers conferred and the works authorised by this Act and to the Company in relation thereto as though that section were re-enacted in this Act with any necessary modifications and with the following further modifications :—

(i) the substitution in subsection (1) thereof of the words “aqueducts (Nos. 3 and 7)” for the words “aqueducts Nos. 4 5 and 7”;

(ii) the substitution in subsection (14) thereof of a reference to section 65 (Supply of water to premises outside limits of supply) of this Act for the reference to section 33 of the Act of 1928.

For protection of
London
Midland and
Scottish
Railway
Company.

52. The provisions of section 47 (For protection of Midland Railway Company) of the Act of 1921 shall so far as applicable extend and apply to all works executed under the powers of this Act which in any way affect the railways works lands or property of the London Midland and Scottish Railway Company and as if that Company had been named therein instead of the Midland Railway Company.

Saving
rights of
riparian and
other

53. Save as expressly provided by or in pursuance of the Act of 1928 or this Act nothing in the Act of 1928 or this Act shall prejudice or interfere with any existing

right of any person interested in the waters of or any existing right appurtenant to any hereditament abutting on the river Stour or its tributaries above the point of intake as defined in section 3 (Interpretation) of this Act to use the waters of that river or its tributaries to the same extent and in the same manner as if the Act of 1928 and this Act had not been passed.

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—
 owners on
 river Stour
 and its
 tributaries.

54.—(1) In this section—

“drainage board” means with respect to any portion of the Layer Brook or the Virley Brook which is a main river within the meaning of the Land Drainage Act 1930 the Essex Rivers Catchment Board and with respect to any other portion of either of those brooks the drainage authority (as defined in the said Act of 1930) for the internal drainage district (as so defined) in which such portion of brook is situate.

For protec-
 tion of
 riparian
 owners on
 Layer and
 Virley
 Brooks.

(2) (a) Not less than two months before the Company commence to appropriate the waters of the Layer Brook and its tributaries under the powers of section 8 (Power to take waters) of this Act they shall serve on every owner of land abutting on the Layer Brook between the dam of the Abberton reservoir and the Roman River notice in writing stating the date on which the Company anticipate that they will commence to appropriate the said waters and informing such owners of their rights under paragraph (b) of this subsection.

(b) If any such owner shall within one month from the date of service of notice on him under paragraph (a) of this subsection request the Company to make provision for the watering of farm stock on the land of the owner abutting on the Layer Brook between the said dam and the Roman River the Company shall provide and maintain on such land convenient watering places or water troughs in reasonable proximity to the Layer Brook for horses cattle and other farm stock and shall thereafter keep the same supplied with water suitable for the needs of such farm stock.

(3) (a) The Company shall if and when requested by an owner of land abutting on the Layer Brook but subject to the approval of the drainage board so deepen widen straighten or otherwise improve the Layer Brook

A.D. 1935.
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and so maintain the same as to make the channel thereof capable of accommodating any water discharged into the brook by the Company. Provided that this paragraph shall not apply to water flowing over the overflow weir of the Abberton reservoir.

(b) The Company shall also so far as reasonably practicable prevent the silt (if any) discharged from the waste water conduit (Work No. (19)) authorised by this Act from entering the Layer Brook and if any silt so discharged accumulates in the Layer Brook the Company shall remove the silt from the brook so far as may be necessary to keep open the waterway of the brook.

(4) The Company shall not cause or permit to flow over the overflow weir of the Abberton reservoir any greater quantity of water than would be caused to flow over the weir by a natural flood.

(5) The Company shall if and when requested by an owner of land abutting on the Virley Brook but subject to the approval of the drainage board so deepen widen straighten or otherwise improve the Virley Brook and so maintain the same as to make the channel thereof capable of accommodating any water diverted into it by the Company by means of aqueduct (No. 9) authorised by this Act.

(6) Any difference which may arise under this section between the Company and any riparian owner shall be referred to arbitration.

FINANCIAL PROVISIONS.

Power to
raise addi-
tional
capital.

55. The Company may from time to time raise additional capital to such an amount as shall be sufficient to produce after taking into account premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof the sum of one million five hundred thousand pounds by the creation and issue of ordinary and preference stock or by either of those modes.

Power to
borrow.

56. The Company may raise by borrowing on mortgage of the undertaking any sum or sums not exceeding in the whole one-half of the amount which at the time of borrowing has been actually paid up (including premiums) on any additional capital issued under the powers of this Act. But no sum shall be borrowed in respect of any

capital so issued until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the capital so issued together with the premium (if any) realised on the sale thereof have been paid up. A.D. 1935.
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57. Section 53 (New stock to be sold by auction or tender) of the Act of 1921 is hereby amended by the substitution of the words "the Minister of Health" for the words "the Board of Trade" in both places where the latter words occur in the section and the reference to that section in section 54 (Application of financial sections of former Acts) of the Act of 1928 shall be construed as a reference to that section 53 as amended by this section. Amendment
of section
53 of Act of
1921.

58. The following sections of the Act of 1901 and the Act of 1921 shall apply to any stock debenture stock or mortgages created issued or granted under the powers of this Act and to the holder of any such stock debenture stock or mortgages to the like extent and in like manner as those sections apply to any stock debenture stock or mortgages issued or granted under the powers of the Act of 1928 (but not further or otherwise) and for the purposes of such application the said sections with any necessary modifications shall be deemed to be re-enacted in this Act :— Application
of financial
sections of
former Acts.

Act of 1901—

Section 26 (Incidence of additional capital);

Section 27 (Holders of preference capital not to vote);

Section 28 (New shares or stock raised under this Act and any other Act of past or present sessions may be of same class);

Section 30 (Dividends on different classes of stock or shares to be paid proportionately);

Section 39 (Existing mortgages to have priority);

Section 40 (As to priority of mortgages and debenture stock).

A.D. 1935.

Act of 1921—

- Section 51 (Limit of dividend);
Section 53 (New stock to be sold by auction or tender) as amended by this Act;
Section 55 (Debenture stock);
Section 56 (Appointment of receiver);
Section 59 (Receipt in case of persons not sui juris).

Provisions
as to issue of
additional
capital.

59. Notwithstanding the application of section 53 (New stock to be sold by auction or tender) of the Act of 1921 as amended by this Act to any ordinary stock and preference stock to be created and issued under the powers of this Act it shall be lawful for the Company with the consent of the Minister and subject to such conditions as the Minister may think fit to impose to offer for subscription by the public any ordinary stock or preference stock which they are so authorised to issue and upon any such offer to pay a commission not exceeding two and a half per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any such stock or procuring or agreeing to procure subscriptions whether absolute or conditional for any such stock :

Provided that—

- (a) the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be disclosed in every prospectus advertisement or other document of the Company inviting subscriptions for such stock;
- (b) any stock so offered as aforesaid shall be issued at as near as may be and in no case more than five per centum below the average market price in the month immediately preceding the offer and in order to ascertain such average market price the mean daily quotations recorded in the official published list of the London Stock Exchange shall be taken for the last four completed weeks; and
- (c) nothing in this subsection shall affect any power of the Company to pay brokerage.

60.—(1) In this section unless the context otherwise requires— A.D. 1935.

“Stock” means and includes preference stock and debenture stock;

“Issue” includes re-issue;

“Redeemable stock” means any stock issued so as to be redeemable under the powers of this section;

“Redeemed stock” means any redeemable stock which has been redeemed and is available for issue under the provisions of this section.

Redeem-
able prefer-
ence stock
and debenture
stock.

(2) Subject to the provisions of this section the directors may from time to time by virtue of this Act and without further or other sanction issue so as to be redeemable any stock created by the Company after the passing of this Act and any redeemed stock:

Provided that no redeemed stock shall be issued except for the purposes of effecting the redemption of redeemable stock under the provisions of this section unless the issue is authorised by a resolution of a general meeting of the Company.

(3) Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other stock in substitution therefor and for the purpose of raising money to pay off or of providing stock in substitution for any redeemable stock the Company may create new stock or the directors may issue any redeemed stock so as to be redeemable or irredeemable as they may think fit:

Provided that—

- (a) no new stock shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the Company are for the time being authorised to create except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the stock and completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of such particular class is proposed to be so created or issued; and

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—

(b) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed to be paid-up capital for the purpose of any enactment regulating the borrowing powers of the Company.

(4) The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage or debenture stock of which the grant or issue by the Company was lawful in the circumstances existing at the date of such grant or issue.

(5) Redeemable stock shall bear such rate of dividend or interest (not exceeding any maximum rate prescribed in respect of the particular class of stock) and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions as the directors may before the issue thereof determine :

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the Company of such stock for sale and in the certificate of such stock and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock.

(6) The Company shall not redeem out of revenue any redeemable stock but any discount allowed on the issue or any premium payable on the redemption thereof may be written off out of revenue.

(7) Any preference stock issued solely in substitution for redeemable stock shall not be subject to the provisions of section 53 (New stock to be sold by auction or tender) of the Act of 1921.

Company
may incur
temporary
loans.

61.—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise money on temporary loans from bankers by means of overdrafts or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years and may draw accept and endorse bills of exchange or other negotiable instruments.

(2) The powers of borrowing or raising money conferred by this section shall be in addition to any powers for the time being of the Company to borrow on debentures.

ture or mortgage of the undertaking or to raise money by the issue of debenture stock. A.D. 1935.

(3) The aggregate amount outstanding at any one time of the money borrowed or raised under this section shall not exceed two hundred thousand pounds.

62.—(1) All money raised under this Act whether by ordinary or preference or debenture stock or by borrowing including premiums (after deducting therefrom the expenses of and incidental to the issue of the stock) shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of any such stock shall not be considered as part of the capital of the Company entitled to dividend. Application of money.

(2) The Company may apply to any of the purposes of this Act any money which they have raised or may raise under the existing Acts.

63. The words “the sum of ten thousand pounds or” and the words “whichever sum is the less” in section 58 (As to reserved and contingency funds) of the Act of 1928 are hereby repealed. Limit of annual contribution to certain funds.

Miscellaneous.

64.—(1) Where the limits of supply are bounded by or abut on any street which is wholly or for part of its width outside those limits the Company may for the purpose of supplying water to the owner or occupier of any premises abutting on that street and being within the limits of supply exercise with respect to the whole width of the street the like powers of breaking up the street for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the limits of supply and subject to the like conditions. As to streets forming boundary of limits of supply.

(2) The owner and occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Company and his premises and of opening or breaking up so much

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of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street were wholly within the limits of supply.

(3) Nothing in this section shall entitle or require the Company to supply water to the owner or occupier of any premises abutting on any such street and being outside the limits of supply.

Supply of
water to
premises
outside
limits of
supply.

65.—(1) The Minister if satisfied that the owner or occupier of any premises outside the limits of supply desires to obtain a supply of water from the Company may on the application of the Company subject to the provisions of this section by order authorise the Company to supply water to those premises on such conditions as may be specified in the order.

(2) An order under this section may contain such modifications of any enactment applying to the Company as in the opinion of the Minister are necessary in order to give full effect to the order.

(3) An order shall not (unless in the opinion of the Minister consent is unreasonably withheld) be made except with the consent of the local authority within whose area and of any undertakers for the supply of water within whose limits of supply the premises are situate.

(4) (a) When the local authority within whose area or the undertakers for the supply of water within whose limits of supply any premises with respect to which an order shall have been made under this section are situate are able and willing to provide a supply of water to those premises and have given notice to the Company of their desire to supply water to those premises such order shall cease to have effect as from the expiration of three months from the giving of such notice.

(b) When such local authority or undertakers commence to supply water to any premises in pursuance of this subsection they shall pay to the Company such expenditure incurred by the Company in giving a supply to the premises as may be agreed or failing agreement determined by arbitration.

(5) The charge made by the Company for any water supplied for any purpose in pursuance of this section shall not be less than the charge which would be made

by the Company for water supplied for a similar purpose within the limits of supply. A.D. 1935.

66. Section 18 (Application of Waterworks Clauses Act 1847 to pipes telephones &c.) of the Act of 1921 is hereby amended and extended by the insertion therein of the words "electric lines and apparatus for the transmission of electricity and" after the words "discharge pipes":

Application of Waterworks Clauses Act 1847 to electric lines &c.

Provided that any electric lines and apparatus constructed laid down erected or maintained under the said section as amended and extended shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such lines.

67.—(1) Notwithstanding anything in the existing Acts or this Act the provisions of the Waterworks Clauses Act 1847 with respect to—

Communication pipes not to be connected with trunk aqueducts.

the communication pipes to be laid by the undertakers; and

the communication pipes to be laid by the inhabitants;

shall not extend to impose any obligation on the Company to lay or to empower any owner or occupier of a dwelling-house or other person to lay any pipe to communicate with any of the aqueducts specifically authorised by any of the existing Acts and shown on the deposited plans relating to any of the existing Acts and accordingly none of those aqueducts shall be deemed to be pipes laid down by the undertakers or pipes of the undertakers for the purposes of the said provisions of the said Act of 1847.

(2) The words "any main or service pipe of the Company" in subsection (1) of section 23 (Supply by meter for other than domestic purposes) of the Act of 1921 shall not include or be deemed to include any such aqueduct as is mentioned in subsection (1) of this section.

68.—(1) The Company shall not be bound to supply with water more than one house or building or part of a house or building occupied as a separate tenement by means of the same communication pipe and they may if

Separate communication pipes may be required.

A.D. 1935. — they think fit require that a separate communication pipe be laid from the pipe of the Company into each house or building or part of a house or building occupied as a separate tenement supplied by them with water.

(2) If the owner of any house or building or part of a house or building occupied as a separate tenement which is supplied with water by the Company when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate communication pipe from the pipe of the Company into such house or building or part of a house or building the Company may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing.

Water rates
to be paid
half-yearly.

69. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Company shall be entitled to demand payment of water rates in advance by equal half-yearly payments on such days in each year as the Company may from time to time determine Provided that—

- (a) no person shall be compellable to pay any water rate so demanded for any longer period in advance than three months; and
- (b) any person who shall occupy any premises during part only of any half-year shall be liable only for a part of the water rate demanded for that half-year proportionate to that part of the half-year and if any such person shall have paid to the Company a greater part of such rate the balance shall be refunded to him by the Company.

Recovery of
rates from
persons
removing.

70. If a justice be satisfied on complaint by any officer of the Company that any person is quitting or about to quit any premises to which the Company supply water and has failed to pay on demand any rate or sum which may be due from him to the Company and intends to evade payment of that rate or sum by departing from the said premises the justice may (in addition to issuing a summons for non-payment of the rate or sum) issue a warrant under his hand authorising any officer of the Company to seize forthwith and detain the goods and chattels of such person until the complaint is determined on the return of the summons.

71. Notwithstanding anything in section 29 (Supply to houses partly used for trade) or section 30 (Supply by meter in certain cases) of the Act of 1921 or any other provision of the existing Acts and this Act the minimum quarterly charge for a supply of water by meter to any building or premises to which either of those sections applies shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a supply of water for domestic purposes to a dwelling-house of the same net annual value.

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—
 Supply to houses partly used for trade and institutions &c.

72.—(1) Any builder being about to erect any building or part of a building who shall require a supply of water for that purpose shall be deemed to be the occupier of premises within the meaning and for the purposes of section 23 (Supply by meter for other than domestic purposes) of the Act of 1921. Provided that if the Company so determine they may instead of affording the required supply by measure afford the supply at a rate not exceeding seven shillings per hundred pounds of the probable total cost of the building or part of a building after making such allowance as the Company may think reasonable for decorative or iron or steel work not requiring the use of water.

Supply for building purposes.

(2) Nothing in this section shall apply to any supply of water required by the Port of London Authority pursuant to section 24 (Supply to Tilbury Docks) of the Act of 1921 as amended by subsection (2) of section 77 (Repeal and amendment) of the Act of 1928.

73. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Company may require that all water required for such swimming bath or bathing pool shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

Supply to swimming baths and bathing pools.

74. Section 67 (Extension of power to inspect premises) of the Act of 1928 shall have effect as if the words “between the hours of seven and nine in the forenoon and also” were inserted therein after the words “at all reasonable times.”

Power to inspect premises.

75. Where in any case the Company are authorised to cut off the pipe supplying water to any premises or to turn off water from any premises any officer workman

Entry on premises for authorised cutting off.

A.D. 1935.

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or duly authorised agent of the Company may after giving not less than twenty-four hours' notice in writing to the occupier of the premises or if the premises are unoccupied to the owner thereof enter into the premises between the hours of nine in the forenoon and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of cutting off any pipe by which the water is supplied to the premises. If any person hinder any such officer workman or agent from entering any premises in pursuance of this section he shall for every such offence be liable to a penalty not exceeding five pounds.

Prohibiting
bathing and
boating in
reservoirs of
Company.

76.—(1) No person shall bathe or wash any part of his person or any article or thing or commit any nuisance in any reservoir of the Company or except with the consent of the Company use any boat upon any such reservoir.

(2) Any person offending against the provisions of this section shall on summary conviction be liable to a penalty not exceeding five pounds.

As to
appoint-
ment of
proxies.

77. Section 70 (Appointment of proxies) of the Act of 1921 shall have effect as if the words “or if the “instrument has been deposited in the central office of “the Supreme Court of Judicature an office copy thereof” were inserted in the proviso to that section after the words “the instrument appointing the attorney.”

Authentica-
tion and
service of
notices by
Company.

78.—(1) Any notice to be served by the Company shall be sufficiently authenticated by the signature of the secretary or other officer of the Company for the time being authorised in writing by the directors or by the name of the officer being printed or stamped on the notice.

(2) Any such notice may be served either personally or by a prepaid letter sent by post and addressed to the person to be served by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to

pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises. A.D. 1935.
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79. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

80. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the question or dispute shall be referred to a single arbitrator to be agreed between the parties or failing agreement appointed on the application of any party to the question or dispute (after notice in writing to the other or others of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference. As to arbitration.

81. The Company shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due Works below high water mark not to be constructed without consent of Board of Trade.

A.D. 1935.

from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Survey of
works by
Board of
Trade.

82. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Company under the powers of this Act which shall be on under or over tidal waters or tidal lands below high water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Lights on
works dur-
ing con-
struction.

83.—(1) The Company shall at or near such part of the works authorised by this Act as shall be below high water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Abatement
of work
abandoned
or decayed.

84.—(1) Where any work constructed by the Company under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

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(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

85. Notwithstanding anything in this Act any cables pipes or wires to be laid or placed by the Company under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade may require.

Cables pipes
or wires
under or
across tidal
waters.

86. Nothing in this Act authorises the Company—

Saving for
War De-
partment.

(1) to take enter upon use or interfere with any land soil or water or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (hereinafter called "the Secretary of State") or in of or by any other person body or corporation acting for or on behalf of the Secretary of State without the consent of the Secretary of State signified in writing under his hand which consent the Secretary of State is authorised to give subject to such special or other conditions as he shall see fit to impose on the Company; or

(2) to take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State without such consent as aforesaid.

87. Nothing in this Act affects prejudicially any Crown estate right power privilege or exemption of the Crown rights.

A.D. 1935. — and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Repeal.

88.—(1) The following sections of the existing Acts are hereby repealed:—

Act of 1901—

Section 45 (Form and service of notices by Company).

Act of 1921—

Section 35 (Company not bound to supply several houses by one pipe).

Act of 1928—

Section 8 (Limiting quantity of water to be pumped);

Section 17 (Additional lands);

Section 29 (Limiting supplies outside Essex);

Section 38 (For protection of local authorities in Stour catchment area);

Section 50 (Saving rights of riparian and other owners);

Section 55 (Issue of redeemable preference capital and debenture stock).

(2) The proviso to section 7 (Power to take waters) and subsection (6) (b) of section 27 (Obligation to supply water in bulk) of the Act of 1928 are also hereby repealed.

Costs of Act.

89. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

The SCHEDULES referred to in the

foregoing Act.

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THE FIRST SCHEDULE.

CAPITAL OF THE COMPANY AUTHORISED BY
PREVIOUS ACTS.

(A) STATEMENT OF CAPITAL (STOCK).

Act or Order.	Description of capital.	Total issued.		Remaining to be issued.	Total amount author- ised.
		Nominal.	Premiums.		
		£	£ s. d.	£ s. d.	£ s. d.
Act of 1861	Ordinary stock 10%.	85,700		—	85,700 0 0
Act of 1882	Ordinary stock 7%.	75,000		—	150,000 0 0
	Preference stock 5%.	75,000		—	
Act of 1901	Ordinary stock 5%.	137,500	58,210 0 0	42,440 13 8	300,000 0 0
	Preference stock 5%.	100,000		—	
Act of 1921	Preference stock 5%.	123,500	58,210 0 0	1,234 16 3	300,000 0 0
	Ordinary stock 6%.	175,000			
Act of 1928	Ordinary stock 6%.	600,000	58,210 0 0	316,624 10 1	1,200,000 0 0
	Preference stock 5%.	245,490			
		1,617,190	58,210 0 0	360,300 0 0	2,035,700 0 0
		1,675,400			

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Waterworks Act, 1935.

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(B) STATEMENT OF LOAN CAPITAL.

Act or Order.	Description of capital.	Total amount issued.	Remaining to be issued.		Total amount authorised.
			In respect of capital paid up.	In respect of capital to be issued and paid up.	
		£	£ s. d.	£ s. d.	£ s. d.
Acts of 1861 1882 1901 1921 and 1928.	Debenture stock 4%.	340,850	18,395 16 6	180,150 0 0	1,014,395 16 6
Acts of 1861 1882 1901 1921 and 1928.	Debenture stock 5%.	475,000			
		815,850	18,395 16 6	180,150 0 0	1,014,395 16 6

THE SECOND SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PARTS ONLY MAY
BE TAKEN COMPULSORILY.

Parish.	Nos. on originally deposited plans.	Description of property.
Stratford St. Mary -	7	Field.
	8	Orchard and garden.
	9	Field and plantation.
	10	Field and public footpath.
	11	Nursery.
	19	River bank garden and creek.
Dedham - - -	2	Field bank and public footpath.
	3	Park land boathouses creek and public footpath.
	4	Shrubbery and pathway.
	12	Garden wall and sheds.
Ardleigh - - -	3	Garden and summer house.
	8	Field and chicken runs.
	9	Field and chicken runs.
	13	Garden and orchard.

[25 & 26 GEO. 5.] *South Essex* [Ch. xlviii.]
Waterworks Act, 1935.

A.D. 1935.

Parish.	Nos. on originally deposited plans.	Description of property.
	22	Field and ditch.
	23	Garden.
	24	Orchard.
	41	Field occupation road public foot- paths and watercourse.
	42	Field occupation road public foot- paths and watercourse.
Colchester - - -	9a	Field garage and watercourses.
	10a	Orchard and watercourse.
	11	Cottage garden wash-house sheds premises lavatory and signpost.
	12	Public house forecourt yard cellar stables cart shed garage urinal wash-house and premises.
	36	Plantation and park land.
	63	Kitchen garden and ditch.
	64	Field ditch piggery and sheds.
East Donyland - -	5	Garden chicken houses and chicken runs.
	6	Field chicken house chicken runs and kitchen garden.
	10	Cottage forecourt garden and premises.
	11	Cottage forecourt sheds chicken houses and premises.
	12	Cottage forecourt sheds chicken houses and premises.
	13	Cottage forecourt shed chicken houses and premises.
	16	Park land and drive.
Layer Marney - -	5	Field and ditch.
Tiptree - - -	4	Small holdings.
	5	Small holdings and ditch.
	6	Small holdings and ditches.
	7	Garden.
	11	Garden orchard and ditch.
	16	Allotments public footpath and ditch.

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THE THIRD SCHEDULE.

METHOD OF DETERMINING CAPITAL CHARGES COMPONENT
AND WORKING CHARGES COMPONENT FOR PURPOSES
OF SECTION 31 (PROVISIONS COMMON TO SECTIONS
29 AND 30) OF THIS ACT.

- Definitions. 1. In this schedule the several words and expressions to which meanings are assigned by section 3 (Interpretation) and section 31 (Provisions common to sections 29 and 30) of this Act have the same respective meanings.
- Capital charges component. 2. For the purposes of section 31 of this Act the capital charges component for any year shall be deemed to be—
- (i) during the period between the date when the first instalment works are brought into use and the date when the second instalment works are brought into use the total capital charges (as defined in clauses 3 and 4 of this schedule) for the year attributable to the 1928 supply works and the first instalment works divided by twenty-two thousand; and
 - (ii) after the last-mentioned date the total capital charges (as defined in clauses 3 and 5 of this schedule) for the year attributable to the 1928 supply works and the 1935 supply works divided by twenty-eight thousand.
- Capital charges of 1928 supply works. 3. The total capital charges for any year attributable to the 1928 supply works shall be deemed to be a sum equivalent to one year's interest at the rate per centum for such year ascertained under clause 6 of this schedule on the total of the items (i) (ii) (iii) (v) and (vi) mentioned in paragraph (b) and items (ii) (iii) (iv) and (vi) mentioned in paragraph (c) of subsection (8) of section 27 of the Act of 1928 and for the purposes of this clause the Langham boreholes shall be deemed to be part of the second instalment works authorised by the Act of 1928 within the meaning of that paragraph (c).
- Capital charges of first instalment works. 4. The total capital charges for any year attributable to the first instalment works shall be deemed to be a sum equivalent to one year's interest at the rate per centum for such year ascertained under clause 6 of this schedule on the total of the following items (viz.) :—
- (i) all sums expended by the Company on capital account up to the end of the preceding year in the purchase of

lands and easements for and in or in connection with the construction of the first instalment works; A.D. 1935.
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- (ii) all sums paid on capital account up to the end of the preceding year as compensation to owners of lands mills and other works and property and properly attributable to the first instalment works and the appropriation of water from the river Stour and the Layer Brook and their respective tributaries under the powers of this Act and in the purchase of lands for the protection of such water;
- (iii) all other items of capital expenditure incurred prior to the bringing into use of the first instalment works and attributable to those works;
- (iv) a sum equivalent to interest with annual rests at the rate of five per centum per annum on all sums included in the preceding paragraphs (i) (ii) and (iii) from the respective dates of payment of such sums until the date when the first instalment works are brought into use;
- (v) three-fourths of the costs charges and expenses referred to in section 89 (Costs of Act) of this Act; and
- (vi) all other items of capital expenditure attributable to the first instalment works and incurred before the end of the said preceding year but after the date when those works shall have been brought into use.

5. The total capital charges for any year attributable to the 1935 supply works shall be deemed to be a sum equivalent to one year's interest at the rate per centum for such year ascertained under clause 6 of this schedule on the total of the following items :— Capital charges of 1935 supply works.

- (i) all sums included in clause 4 of this schedule;
- (ii) all sums expended by the Company on capital account up to the end of the preceding year in the purchase of lands and easements for and in or in connection with the construction of the second instalment works;
- (iii) all sums paid on capital account up to the end of the preceding year (in addition to the sums included in paragraph (ii) of clause 4 of this schedule) as compensation to owners of lands mills and other works and property and properly attributable to the 1935 supply works and the appropriation of water from the river Stour and the Layer Brook and their respective tributaries under the powers of this Act and in the purchase of lands for the protection of such water;

A.D. 1935.
—

- (iv) all other items of capital expenditure incurred prior to the bringing into use of the second instalment works and attributable to those works;
- (v) a sum equivalent to interest with annual rests at the rate of five per centum per annum on all sums included in the preceding paragraphs (ii) (iii) and (iv) from the respective dates of payment of such sums until the date when the second instalment works are brought into use; and
- (vi) all other items of capital expenditure attributable to the 1935 supply works and incurred before the end of the said preceding year.

Rate of
interest.

6. The rate per centum at which interest shall be calculated for the purposes of clauses 3 4 and 5 of this schedule in respect of any year shall be ascertained as follows :—

The total sum payable as dividends and interest for one year at the maximum authorised rates on all ordinary stock and at the fixed rate on all preference stock debenture stock mortgages notes and bonds issued or granted by the Company between the passing of the Act of 1928 and the commencement of the year in respect of which such rate per centum is required to be ascertained and for the time being unredeemed shall be multiplied by one hundred and divided by the total sum of cash actually raised by the Company by the issue of such ordinary preference and debenture stock and grant of such mortgages after deducting the expenses of such issue or grant and taking into account all premiums received or discounts allowed on such issue or grant.

Working
charges
component.

7. For the purposes of section 31 of this Act the working charges component for any year shall be deemed to be—

- (1) during the period between the date when the first instalment works are brought into use and the date when the second instalment works are brought into use the aggregate of the total revenue expenditure (as defined in clause 8 of this schedule) in respect of that year (exclusive of capital charges as hereinbefore defined) on—
 - (a) the 1928 supply works; and
 - (b) the first instalment works :
- (2) after the last-mentioned date the aggregate of the total revenue expenditure (as defined in clause 8 of this

schedule) in respect of that year (exclusive of capital charges as hereinbefore defined) on— A.D. 1935.

- (a) the 1928 supply works; and
- (b) the 1935 supply works;

divided in each case by the number of one thousand gallons in the total of the following quantities of water :—

- (i) the aggregate quantity supplied during the year under section 27 of the Act of 1928 and section 31 of this Act to the several authorities which have served reservation notices under those respective sections;
- (ii) the quantity of water supplied during the year from aqueducts (Nos. 4 5 6 and 7) authorised by the Act of 1928 and from aqueduct (No. 7) authorised by this Act otherwise than to the several authorities which have served reservation notices as aforesaid; and
- (iii) the quantity of water delivered during the year into the Herongate reservoir.

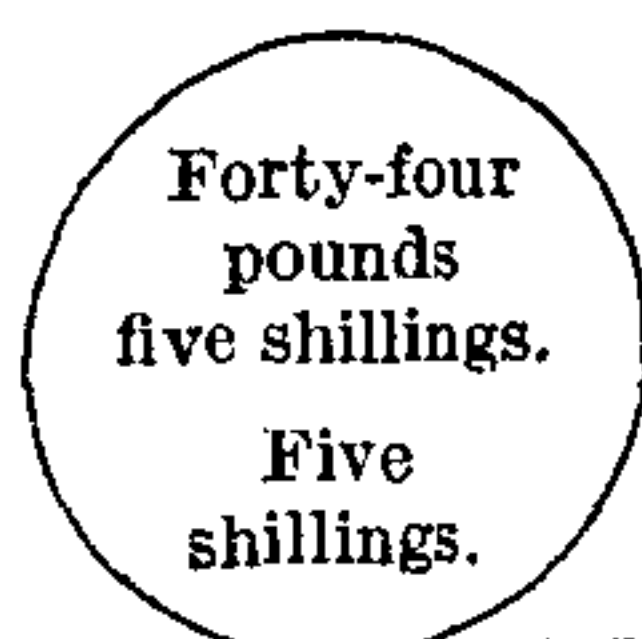
8. For the purposes of clause 7 of this schedule revenue expenditure on the 1928 supply works the first instalment works and the 1935 supply works respectively means with respect to any year so much of the expenditure by the Company in respect of that year on revenue account (exclusive of head office establishment charges but inclusive of rates taxes and insurance costs of maintenance and repair and renewals (not charged to capital) and pumping and all other expenditure properly attributable to revenue account) so far as such expenditure is incurred on or in connection with or is ancillary to— Meaning of
revenue
expenditure.

- (i) the 1928 supply works the first instalment works or the 1935 supply works (as the case may require); and
- (ii) the obtaining of water from the river Stour and the Layer Brook and their respective tributaries and the Langham boreholes; and
- (iii) the delivery of such water into the Herongate reservoir; and
- (iv) the supply of such water to the authorities under the provisions of section 27 of the Act of 1928 and section 31 of this Act and to any other authority company body or person from the aqueducts (Nos. 4 5 6 and 7) authorised by the Act of 1928 and from aqueduct (No. 7) authorised by this Act.

A.D. 1935.

THE FOURTH SCHEDULE.

Stamp duty.



AN AGREEMENT MADE THIS FOURTH DAY OF JUNE ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE BETWEEN THE RIVER STOUR (ESSEX & SUFFOLK) CATCHMENT BOARD (HEREINAFTER CALLED "THE CATCHMENT BOARD") OF THE ONE PART AND THE SOUTH ESSEX WATERWORKS COMPANY (HEREINAFTER CALLED "THE COMPANY") OF THE OTHER PART.

WHEREAS the Catchment Board are the drainage board constituted by the River Stour (Essex & Suffolk) Catchment Board Constitution Order of 1931 made by the Minister of Agriculture and Fisheries under the Land Drainage Act 1930 (hereinafter referred to as "the Act of 1930") for the area (hereinafter referred to as the "catchment area") the drainage of which is directed to the river Stour :

And whereas the Catchment Board are charged with the duty of exercising a general supervision over all matters relating to the drainage of land within the catchment area and have such powers and are required to perform such other duties as are conferred or imposed on drainage boards by the Act of 1930 :

And whereas pursuant to section 5 of the Act of 1930 the Minister of Agriculture and Fisheries has determined that part of the channel of the river Stour which is to be treated as "main river" for the purposes of Part II of that Act and the said part is hereinafter referred to as "the main river" :

And whereas under and subject to the provisions of the Act of 1930 the general powers of the Catchment Board (acting as a catchment board) include power in relation to the main river to maintain in a due state of efficiency any existing water course or drainage work to improve existing water courses or drainage works and to make new water courses and drainage works required for the drainage of the area comprised within the catchment area :

And whereas for the purposes of the Act of 1930 the expression "drainage" includes (save as in that Act mentioned) the supply of water :

And whereas by the River Stour (Essex & Suffolk) Drainage Order 1919 and the River Stour (Essex & Suffolk) (Amending) Drainage Order 1923 the area therein mentioned which was comprised within the catchment area was constituted a drainage district for the purposes of Part II of the Land Drainage Act 1861.

SCHEDULE.

A.D. 1935.

*Norwich
Order.*

AREAS TO BE INCLUDED WITHIN THE WATER LIMITS.

1. In the rural district of Blofield and ~~Flegg~~
The parishes of Plumstead Great and Little and Postwick.
2. In the rural district of Forehoe and Henstead—
The parishes of Bawburgh Bixley Colney Costessey
Hethersett Keswick and Little Melton;
So much of the parish of Kirby Bedon as is not within the
water limits; and
That part of the parish of Caister Saint Edmunds which
prior to the operation of the County of Norfolk Review
Order 1935 comprised the parish of Markshall.
3. In the rural district of Saint Faith's and Aylsham—
The parishes of Aylsham Beeston Saint Andrew Drayton
Hainford Hevingham Horsford Horsham Saint Faith
and Newton Saint Faith Marsham Rackheath Spix-
worth and Stratton Strawless.

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