

ELIZABETH II



1972 CHAPTER xxxix

An Act to abolish the internal drainage districts in the area of the Essex River Authority; to confer further powers on the Authority in relation to the acquisition of lands, the performance of their functions and the administration of their area; to make further provision with regard to the finances of the Authority and for the welfare of their staff; and for other purposes. [9th August 1972]

WHEREAS the Essex River Authority (hereinafter in this Act referred to as "the Authority") were constituted in pursuance of the Water Resources Act 1963 (hereinafter in this Act referred to as "the Act of 1963"), as the authority responsible for water conservation, land drainage, prevention of pollution and the management and improvement of salmon, trout and freshwater fisheries within an area which comprises the London boroughs of Barking and Havering, the county borough of Southend-on-Sea and parts of the administrative counties of Cambridgeshire and Isle of Ely, East Suffolk, Essex and West Suffolk and of the London boroughs of Newham and Redbridge (hereinafter in this Act referred to as "the Essex area"):

1963 c. 38.

And whereas as the Authority will or may need to acquire substantial areas of land in connection with the performance of their functions it is expedient and in the public interest to confer

on the Authority powers to alleviate hardship to the occupiers of the land resulting from their displacement as in this Act provided:

And whereas there are a number of internal drainage districts in the Essex area all of which are administered by the Authority and the abolition of these districts would be conducive to the more efficient and economical exercise by the Authority of their function as the land drainage authority:

And whereas to enable the Authority to discharge their statutory functions with greater efficiency it is expedient that they should be granted the other additional powers conferred upon them by this Act:

And whereas it is expedient to make further provision with regard to the finances and for the welfare of employees of the Authority:

And whereas it is expedient that the other provisions in this Act should be enacted:

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

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen'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:—

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the Essex River Authority Act 1972.

(2) This Act and the Essex River Authority Acts 1968 and 1969 may be cited together as the Essex River Authority Acts 1968 to 1972.

Division of Act into Parts.

2. This Act shall be divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Functions.

Part IV.—Employees.

Part V.—Finance.

Part VI.—Miscellaneous and general.

3.—(1) In this Act, unless the subject or context otherwise requires the several words and expressions to which meanings are assigned by the Act of 1963 shall have the same respective meanings and the following expressions shall have the meanings hereby assigned to them:—

PART I
—cont.

Interpretation.

“ the Act of 1930 ” means the Land Drainage Act 1930; 1930 c. 44.

“ the Act of 1963 ” means the Water Resources Act 1963; 1963 c. 38.

“ apparatus ” means—

(a) in the case of electricity undertakers, electric lines or works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by or lawfully laid or erected by such undertakers; 1882 c. 56.

(b) in the case of gas or water undertakers, any mains, pipes or other apparatus belonging to such undertakers or for the maintenance of which they are responsible; or

(c) in the case of the Post Office, any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by them; 1878 c. 76.

and includes any structure for the lodging therein of apparatus;

“ the Authority ” means the Essex River Authority;

“ the clerk ” means the clerk of the Authority and includes any person authorised by the Authority to exercise his functions;

“ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw or regulation for the time being in force within the Essex area;

“ the Essex area ” means the area of the Authority;

“ land ” includes any interest in or right over land and land covered with water;

“ the Minister ” means the Minister of Agriculture, Fisheries and Food;

“ the Ministers ” means the Secretary of State and the Minister;

“ sea defence work ” means a work which is required or constructed for or in connection with the protection of any part of the Essex area against floods or inundations from the sea or other tidal water, and “ sea defence ” shall be construed accordingly;

“ the Secretary of State ” means the Secretary of State for the Environment;

“ statutory undertakers ” means any company, body or person authorised by any enactment to supply electricity, gas or water, the Post Office, the British Railways Board and the London Transport Executive.

PART I
—cont.

(2) Unless the subject or context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

PART II

LANDS

Provision of substituted sites.

4.—(1) The power of the Authority to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners, lessees and occupiers of land that may be acquired by the Authority under any enactment.

1968 c. xxvi.
1969 c. xlix.

(2) Section 32 (Provision of substituted sites) of the Ely Ouse-Essex Water Act 1968 and section 26 (Provision of substituted sites) of the Essex River and South Essex Water Act 1969 shall cease to apply to the Authority.

Power to reinstate owners or occupiers of property.

5.—(1) The Authority may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired by the Authority under any enactment with respect to his reinstatement.

(2) Any such agreement or arrangement may provide for the exchange of land; and for that purpose the Authority may pay or receive money for equality of exchange.

(3) Section 34 (Power to reinstate owners and occupiers of property) of the Ely Ouse-Essex Water Act 1968 and section 28 (Power to reinstate owners and occupiers of property) of the Essex River and South Essex Water Act 1969, shall cease to apply to the Authority.

Undertakings and agreements binding successive owners.

6.—(1) (a) Every undertaking given to the Authority by the owner of a legal estate in land, and every agreement made between the Authority and any such owner, being an undertaking or agreement—

(i) given or made in connection with the land; and

(ii) expressed to be given or made in pursuance of this section;

shall be binding upon the person or persons who entered into, or joined as a party to, such undertaking or agreement and all persons deriving title by, through or under him or them.

(b) The proper officer of the council of each county borough, London borough or county district in which the land to which any such undertaking or agreement relates is situated shall on receipt of a copy thereof cause it to be registered in the register of local land charges in such manner as is prescribed by the rules made in reference to local land charges under subsection (6) of section 15 of the Land Charges Act 1925.

1925 c. 22.

(c) For the purpose of effecting the registration of an undertaking or agreement under paragraph (b) of this subsection, any such undertaking or agreement as is referred to therein shall be deemed to relate to a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.

(2) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require from the Authority a copy thereof.

7.—(1) If the Authority—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land; or
- (c) have acquired land by agreement before the passing of this Act;

Suspension of
restrictive
covenants,
etc.

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by or under any enactment) as to the user thereof or the building thereon the Authority may, subject to the provisions of this section, by resolution suspend the operation of such restriction during the period in which they are the owners of the land.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Authority shall—

- (a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the date of the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

(b) on or before the date of the first publication of the said notice—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

PART II
—cont.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister and a copy thereof to the Authority within the period specified in the notice.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection or the date on which the Authority acquire the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Authority acquire the land.

(7) If in the opinion of the Authority there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable the Authority may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land is situated a notice describing the land and stating generally the effect of this subsection and of subsections (8) and (9) of this section and specifying the time not being less than three months from the date of the first publication of the notice within which and the manner in which any person claiming to be entitled to enforce a restriction against the use of the land may intimate such claim to the Authority and shall produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who they consider after reasonable inquiry may reasonably be expected to claim to be entitled to the benefit of a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

PART II
—cont.

(8) If any person is entitled to the benefit of a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

(9) The Authority shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965, in respect of any entitlement to the benefit of a restriction suspended under the powers of this section and loss suffered in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act 1961.

1965 c. 56.

1961 c. 33.

(10) If the Authority dispose of any land affected by a restriction suspended under the powers of this section they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(11) Nothing in this section shall apply to—

(a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(b) any restriction for—

(i) the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of any statutory undertakers;

(ii) the prevention of pollution of water which any statutory water undertakers are for the time being authorised to take;

contained in any deed, wayleave, agreement or other instrument.

In this paragraph “operational land” in the case of the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969, and, in the case of any other statutory undertakers, has the same meaning as in section 222 of the Town and Country Planning Act 1971.

1969 c. 48.

1971 c. 78.

(12) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Authority have acquired or agreed to acquire that land.

PART III

FUNCTIONS

Water resources

River Stour.

8. The Ministers may entertain an application by the Authority for an order under section 82 of the Act of 1963 in relation to the stretch of the river Stour from Sudbury to Manningtree notwithstanding that the navigation authority for the said stretch of the river has ceased to exist and Schedule 10 to the Act of 1963 in relation to any such application shall have effect subject to the following modifications:—

(a) paragraph 1 shall not apply; and

(b) for sub-paragraph (b) of paragraph 2 there shall be substituted the following sub-paragraph:—

“(b) to be served on any navigation authority, conservancy authority, harbour authority or statutory water undertakers appearing to the Ministers to be affected by the proposals.”

*Land drainage*Abolition
of internal
drainage
districts.

9.—(1) (a) On the appointed day the specified internal drainage districts shall be and are hereby abolished.

(b) Such of the watercourses as are—

(i) within those districts and are coloured red on the signed plans; and

(ii) adjacent to those districts and are shown on the signed plans by dotted red lines;

shall as from the appointed day be part of the main river of the Authority. The main river map of the Authority (as defined in subsection (10) of section 11 of the Act of 1963) shall not later than the appointed day be varied by the Minister accordingly and the variations of the said map shall be deemed to have been made under subsection (6) of the said section 11.

(2) The Essex Rivers Catchment Board Internal District Byelaws made on 6th December, 1937, and confirmed by the Minister on 6th December, 1938, the Essex Rivers Catchment Board Internal District Byelaws made on 10th August, 1951, and confirmed by the Minister on 19th December, 1951, and the Essex River Authority Land Drainage Byelaws (Internal Drainage Districts) 1968 shall as from the appointed day be revoked.

(3) Every agreement made under section 25 of the Act of 1930 between the Authority as the drainage board for a specified internal drainage district and a rating authority which is in force on the appointed day shall on that day cease and be determined.

(4) As from the appointed day the agreement between the River Stour (Essex & Suffolk) Catchment Board and the South Essex Waterworks Company dated 4th June, 1935, and set forth in the Fourth Schedule to the South Essex Waterworks Act 1935 which was confirmed and made binding on the parties by section 44 (Confirmation of agreement with Stour Catchment Board) of that Act shall have effect subject to the following amendments:—

1935 c. xlviii.

- (a) In paragraph (c) of sub-clause (1) of clause 8 for the sum of £1,750 there shall be substituted the sum of £1,150;
- (b) In clause 9 the words from “ duties ” to the end of the clause shall be omitted;
- (c) Clauses 13, 14, 15 and 16 shall be omitted.

(5) In this section “ the signed plans ” means the plans signed in triplicate by Tom Oswald, the chairman of the committee of the House of Commons to whom the Bill for this Act was referred, one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one copy in the Private Bill Office of the House of Commons and one copy with the Authority, and in this and the next succeeding section “ the appointed day ” means the 1st April, 1973; and “ the specified internal drainage districts ” means the internal drainage districts specified in column (1) of Schedule 1 to this Act as constituted by the enactment specified in column (2) of that schedule opposite the name of the district and as subsequently modified by the enactment or enactments specified in column (3) of that schedule opposite the name of the district.

10.—(1) All assets, rights, powers (other than the power to make a drainage rate) and interests vested in or exercisable by and all liabilities and obligations attaching to the Authority as the drainage board of a specified internal drainage district shall continue in force and as from the appointed day be deemed to be assets, rights, powers, interests, liabilities and obligations of the Authority as the drainage board of the Essex area.

Provisions
supplementary
to last
section.

(2) Any action, arbitration or proceeding or any cause of action, arbitration or proceeding pending or existing at the appointed day by or against or in favour of the Authority as the drainage board of a specified internal drainage district shall not abate or be discontinued or be in any wise prejudicially affected by reason of the abolition of the specified internal drainage districts or the determination of the agreements under section 25 of the Act of 1930 between the Authority as the drainage board of such internal drainage districts and the rating authorities or of anything in the last preceding section of this Act but may be continued, prosecuted and enforced by, or against or in favour of the Authority as the drainage board of the Essex area as and

PART III
—cont.

when it might have been continued, prosecuted or enforced by, or against or in favour of the Authority as the drainage board of a specified internal drainage district if the said section had not been enacted but not further or otherwise.

(3) All agreements, conveyances, contracts (other than the agreements referred to in subsection (3) of the last preceding section), deeds and other instruments entered into or made with or by the Authority as the drainage board of a specified internal drainage district and in force on the appointed day shall, as from that date, be as binding and of as full force and effect in every respect against or in favour of the Authority as the drainage board of the Essex area and may be enforced as fully and effectually as if the Authority as the drainage board of the Essex area had been a party thereto or bound thereby or entitled to the benefit thereof, but nothing in the said section or done thereunder shall prejudice or affect the right of the Authority as the drainage board of the Essex area to terminate any such agreement, conveyance or contract at such time and in such manner as it might have been terminated if the said section had not been enacted.

(4) All rents, rates and charges and other sums and debts on the appointed day due and payable or accruing due and payable to the Authority as the drainage board of a specified internal drainage district shall be payable to and may be collected, recovered and enforced by the Authority as the drainage board of the Essex area in the same manner and with and by the same benefits and processes as those with and by which the Authority as the drainage board of a specified internal drainage district might have collected, recovered and enforced them and shall be applied by the Authority for the purposes of their function relating to land drainage.

(5) Notwithstanding the revocation by subsection (2) of the last preceding section of the byelaws therein mentioned—

(a) any consents granted by the Authority or by their predecessors under those byelaws shall continue in force after the appointed day as if they had been granted by the Authority as the drainage board of the Essex area; and

(b) any proceedings which might have been taken for any offence against those byelaws before the appointed day and any notice or other requirement which might have been served or made thereunder before the appointed day may be taken, served or made after the appointed day by the Authority as the drainage board for the Essex area.

(6) Any moneys payable by way of grant under section 15 of the Agriculture Act 1937, which if a specified drainage district

had not been abolished by the last foregoing section would have been receivable after the appointed day by the Authority as the drainage board of the district shall be receivable by the Authority and applied for the purposes of their function relating to land drainage.

PART III
—cont.

11.—(1) In this section—

“ the council ” means the urban district council of Canvey Island;

“ the works ” means the works constructed by the Authority for improving the drainage of Canvey Island being the works described in the accounts of the Authority as “ Canvey Island Drainage Improvement Scheme Stage I ” and “ Canvey Island Drainage Improvement Scheme Stage II ” and includes those so described as “ Tewkes Creek Flood Relief Works ”.

Payments
by Canvey
Island Urban
District
Council.

(2) The council shall pay to the Authority on 30th September (or on such other day or days as may be agreed between the council and the Authority) in the year 1973 and in each subsequent year an amount equal, in the case of the works which do not rank for grant under section 55 of the Act of 1930, to the whole and, in the case of the works which rank for grant, to 70 per cent. of the estimated cost (after deduction of any such grant) in the current financial year of paying the loan charges and debt management expenses in respect of the works.

(3) As soon as practicable after the end of each financial year the Authority shall notify the council of the amount of the expenditure incurred by the Authority in that financial year in respect of the works (as shown in the audited accounts of the Authority) and if the amount payable by the council to the Authority calculated in accordance with subsection (2) of this section by reference to that expenditure is more or less than the amount which has been paid the difference shall in the case of an underpayment be paid by the council to the Authority and in the case of an overpayment be paid by the Authority to the council:

Provided that by agreement between the Authority and the council any such underpayment or overpayment may be taken into account in the payment made under subsection (2) of this section in respect of the next succeeding financial year.

Pollution prevention

12.—(1) If any person is guilty of any act or neglect whereby water in any underground strata in the Essex area is contaminated or likely to be contaminated by any poisonous, noxious or polluting matter (whether liquid or solid) he shall be guilty of an offence: Pollution of
underground
water.

PART III
—cont.

Provided that nothing in this subsection shall be construed as penalising—

- (i) any act which is in accordance with good agricultural practice;
- (ii) the reasonable use of oil or tar on any highway, so long as the person responsible for the construction or maintenance (as the case may be) of the highway takes all reasonable steps for preventing the oil or tar, or any liquid or matter resulting from the use thereof, from polluting any such water;
- (iii) the deposit or disposal of house, trade, industrial or other similar refuse (whether liquid or solid) on land which was lawfully being used for that purpose at the passing of this Act if the character of the refuse deposited or disposed of after the passing of this Act is not materially different from that which was being deposited or disposed of before that date;
- (iv) the interment of human remains in a burial ground (as defined in subsection (8) of section 128 of the Town and Country Planning Act 1971);
- (v) any act or neglect before the passing of this Act;
- (vi) the discharge of effluent or other matter in respect of which the consent of the Authority is required by section 72 of the Act of 1963 if that consent has been duly given or, if the consent has been refused, it has been allowed on appeal to the Secretary of State under subsection (6) of the said section 72 and in either case if the discharge complies with such conditions (if any) as may have been imposed by the Authority or the Secretary of State (as the case may be); or
- (vii) the disposal of any matter (whether liquid or solid) to which the said section 72 does not apply if it has been approved under subsection (2) of this section.

(2) (a) If any person (in this subsection referred to as “the applicant”) who proposes to dispose of any matter (whether liquid or solid) within the Essex area applies to the Authority for approval of the disposal thereof and supplies to the Authority such particulars as the Authority may reasonably require as to—

- (i) the site on which the matter is to be disposed of;
- (ii) the method of disposal;
- (iii) the nature and the quantity of the matter to be disposed of; and
- (iv) any other relevant information;

the Authority may either approve the proposals subject to such stipulations (if any) as they may reasonably consider necessary to prevent an offence being committed under subsection (1) of this section or refuse their approval:

Provided that if within three months of receiving such an application the Authority have neither approved the proposals with or without stipulations or refused their approval they shall be deemed to have approved the proposals in the terms of the application.

(b) If the applicant is dissatisfied by the refusal of the Authority to approve his proposals or by any stipulations which they make in their approval he may within twenty-eight days of receiving notification of the decision of the Authority refer the matter to the Secretary of State.

(c) Subsections (6) and (7) of section 72 of the Act of 1963 shall (subject to any necessary modification) apply to references under this subsection as they apply to appeals under the said section 72.

(3) (a) Subsection (8) of section 72 of the Act of 1963 shall apply to an offence against this section as it applies to a contravention of subsection (1) of that section.

(b) Proceedings in respect of an offence against this section shall not be instituted except with the consent of the Attorney-General or by the Authority.

(4) (a) In any proceedings for an offence under this section it shall be a defence for the person charged to prove—

- (i) that the commission of the offence was due to an accident or to some other cause beyond his control; and
- (ii) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by any person under his control.

(b) Proceedings under this section shall not be instituted against a local authority in respect of the disposal within twelve months after the passing of this Act of domestic refuse, trade refuse or the contents of cesspools notwithstanding that it is not disposed of on land in use for that purpose before the passing of this Act or if it was disposed of on such land is materially different in character from the refuse disposed of before that date but this paragraph shall cease to have effect as from the date on which the Authority notify the local authority that the deposit of such material must be discontinued.

In this paragraph "local authority" means the Greater London Council or the council of a borough (including a London borough), urban district or rural district.

PART III
—cont.

1972 c. 21.

(5) (a) An approval granted by the Authority under this section shall for the purposes of subsection (7) of section 1 of the Deposit of Poisonous Waste Act 1972 have effect only so as to prevent a person who has deposited waste or caused or permitted waste to be deposited in such a manner or in such quantity as to threaten the pollution or contamination of any water supply contained in any underground strata being treated as having contravened subsection (1) of the said section 1.

(b) Where proceedings are being or have been instituted against a person under the said Act of 1972 no proceedings shall be instituted under this section against him in respect of the same offence.

(6) The functions of the Authority under this section shall be deemed to be part of their transferred functions.

Fisheries

Reduced
fishing licence
duties for
multiple
licences.

1972 c. 37.

13. Schedule 1 of the Salmon and Freshwater Fisheries Act 1972 in its application to the Authority shall have effect as if after paragraph 2 thereof there were added the following new paragraph:—

“ 2A. Where more than one licence is granted by a river authority to one person the Authority may charge for any licence after the first such amount less than the amount which would otherwise be payable as they think fit.”

Amenities and recreation

Power to
improve
amenities
of inland
waters.

14.—(1) In addition to the powers conferred on the Authority by section 80 of the Act of 1963 the Authority may carry out such works and do such things as may appear to them necessary or expedient for improving the amenities (including use for the purpose of any form of recreation) of any inland water in the Essex area and any adjoining land:

Provided that this subsection shall have effect only for the purpose of removing any limitation imposed by law on the Authority by virtue of its constitution and shall not authorise any act or omission on the part of the Authority which apart from this subsection would be actionable at the suit of any person on any ground other than such a limitation.

(2) (a) Before providing any recreational facilities under this section the Authority shall obtain the consent of the local planning authority.

(b) The Authority may apply to the Secretary of State on the grounds that a local planning authority have unreasonably withheld such a consent and the Secretary of State, after affording

to the local planning authority an opportunity of making representations, may if he thinks fit direct the local planning authority to give the consent to which the application relates. A local planning authority shall comply with any direction given by the Secretary of State under this subsection.

15.—(1) Section 79 of the Act of 1963 shall in its application to the Authority and the Essex area have effect as if—

Extension of
section 79
of Act of
1963.

(a) the purposes for which the Authority may make byelaws under subsection (3) included the improvement of the amenities of such of the inland waters in the Essex area as may be specified in the byelaws and the good rule of and the regulation of the conduct of those resorting to such inland waters so specified and the adjoining land;

(b) in subsection (4) paragraph (c) and the words “ and not falling within the said section 2 (3)” in paragraph (d) were omitted.

(2) (a) The Secretary of State may on the application of the Authority by order provide that—

(i) paragraph (a) of subsection (4) of the said section 79 shall not apply to such tidal waters in the Essex area;

(ii) paragraph (b) of the said subsection (4) shall not apply to such inland waters in the Essex area;

as may be specified in the order.

(b) An order made under this subsection may contain such incidental and supplementary provisions, including provisions for amending, adapting or repealing local enactments as the Secretary of State considers necessary or expedient.

(c) The provisions of Schedule 2 to this Act shall have effect with respect to applications and orders made under this section.

(3) Byelaws made under subsection (3) of the said section 79 which apply to tidal waters in the Essex area by virtue of an order made under paragraph (a) (i) of subsection (2) of this section shall not prohibit such tidal waters from being used for boating but may for the purpose of protecting persons lawfully and peaceably using such tidal waters for boating, swimming or other recreational purposes provide for the exclusion from such stretches of the tidal waters as may be specified in the byelaws of boats of such types or sizes as may also be so specified.

(4) Before making any byelaws under subsection (3) of the said section 79 applying to any tidal waters in the Essex area to which an order made under paragraph (a) (i) of subsection (2) of this

PART III
—cont.

section relates the Authority shall consult with the authorities on whom notice of the application for the order was served under paragraph 2 (b) of Schedule 2 to this Act.

(5) Subsection (5) of section 111 of the Act of 1963 shall in its application to the Authority have effect as if after the word “pollution” there were inserted the words “and of any byelaws made under section 79 (3) of this Act”.

(6) Any person duly authorised by the Authority may require any person whom he has reasonable grounds for believing to have committed an offence against any byelaws made under subsection (3) of section 79 of the Act of 1963 to furnish his name and address and if any person, on being required to furnish his name and address, fails to state his name and address correctly he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

Extended powers with regard to water recreation.

16.—(1) Section 80 of the Act of 1963 in its application to the Authority shall have effect as if—

- (a) in paragraph (a) of subsection (1) after the word “reservoir” there were inserted the words “or inland water falling within section 2 (3) of this Act” and in paragraph (b) after the word “reservoir” there were inserted the words “or inland water”;
- (b) in subsection (2) the words “subject to subsection (6) of this section” were omitted and after the word “reservoir” there were inserted the words “or an inland water”;
- (c) in subsection (5) after the word “reservoir” in both places where it occurs there were inserted the words “or an inland water”;
- (d) subsection (6) were omitted.

(2) Section 83 of the Act of 1963 in its application to the Authority shall have effect as if after subsection (4) there were inserted the following new subsection:—

“(5) Reference in this section to the new functions of a river authority shall be deemed not to include the exercise of the powers conferred on a river authority by subsection (2) of section 80 of this Act.”

General

Power to carry out trial borings, etc.

17.—(1) (a) Where the Authority have under consideration a proposal that they should acquire any land for any purpose in connection with the performance of their new functions, the

Secretary of State may on the application of the Authority, authorise them to carry out on such land experimental borings or other works for the purpose of ascertaining the nature of the underground strata or the presence of water therein or the quantity or quality of such water, and to reinstate the land after carrying out any such works:

Provided that notice of any such application shall be given by the Authority to the owner and occupier of the land and the Secretary of State shall before giving his authority consider any representations made to him by such owner or occupier within fourteen days after the receipt of the notice.

(b) For the purposes of this subsection where the surface of any land (whether it is above or below the surface of any adjoining land) has been raised by the deposit thereon of refuse or waste or other materials, any material lying below the surface as so raised shall be deemed to be part of the underground strata.

(2) Section 61 of the Act of 1930 shall have effect in relation to the exercise by the Authority of the powers of this section as it has effect in relation to the exercise of the powers conferred by any enactment contained in that Act.

(3) (a) Paragraph (b) of subsection (1) of section 111 of the Act of 1963 in its application to the Authority shall have effect as if the power thereby conferred to enter upon and survey land included a power to exercise the powers conferred by subsection (1) of this section.

(b) Section 112 of the Act of 1963 in its application to the Authority shall have effect as if references therein to section 111 of that Act were references to that section as extended by paragraph (a) of this subsection.

18.—(1) The Authority during and for the purposes of executing any work carried out in the performance of any of their functions (other than a sea defence work) may temporarily stop up, alter, divert or otherwise interfere with any watercourse or highway or any private right of way, and, in the case of any highway or right of way, may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

Temporary
stopping up
of water-
courses,
highways, etc.

(2) The Authority shall provide reasonable access for foot-passengers, with or without animals, bona fide going to or from any such land, house or building.

PART III
—cont.

(3) (a) The powers of subsection (1) of this section shall not be exercised in relation to—

- (i) a trunk road except with the consent of the Secretary of State but such consent shall not be unreasonably withheld and any difference between the Authority and the Secretary of State as to whether such consent has been unreasonably withheld shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers; and
- (ii) any other highway without the consent of the highway authority, and, in the case of a road which is vested in any person other than the highway authority, that person, but such consent shall not be unreasonably withheld and may be given subject to such reasonable conditions (other than a condition requiring a monetary payment) as the highway authority or other person may require, and any difference arising between the Authority and the highway authority or other person under this subparagraph may be referred by either of the parties (after notice in writing to the other of them) for determination by the Secretary of State whose decision shall be final.

(b) The powers of subsection (1) of this section shall not be exercised in relation to any watercourse without providing a proper substitute before interrupting the passage of water in or through such watercourse, and the Authority shall make compensation for any damage caused to any person by the exercise of such powers in relation to any watercourse, the amount of such compensation being, in case of dispute, determined by the Lands Tribunal.

(c) The powers of subsection (1) of this section shall not be exercised so as unreasonably to obstruct or interfere with access to any station or depot of passenger road transport operators.

(d) The temporary stopping up or diversion of any highway or right of way under the powers of this section shall not prejudice or affect any right of statutory undertakers—

- (A) to place, maintain, inspect, repair, renew or remove any apparatus in the highway or right of way; or
- (B) for the purpose of such placing, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway or right of way.

PART III
—cont.

(4) Except in the case of emergency the Authority shall, not less than seven days before stopping up any highway under the powers of this section, cause notice to be published in one or more newspapers circulating in the district in which the highway is situate of their intention so to do and such notice shall contain a description of the alternative route or routes available for traffic.

(5) So long as any highway remains stopped up a notice describing the alternative route or routes available for traffic shall be kept posted in a conspicuous manner at each end of the highway and at the points at which it will be necessary for vehicles to diverge from the highway.

PART IV EMPLOYEES

19. The Authority may subject to subsections (2), (3) and (4) of section 70 of the Act of 1963 sell to any person in their employment any house provided by them for such persons under section 69 of the Act of 1963 subject to such covenants and conditions as they think fit to impose in regard to the maintenance or use of the house and upon any such sale they may, if they think fit, agree to the price being paid by instalments or to the price or part thereof being secured by a mortgage of the premises. Power to sell houses to employees.

20. In addition to the powers conferred on the Authority by section 69 of the Act of 1963 for the provision of housing accommodation for persons employed by them, the Authority shall have power to make advances to, and to guarantee the repayment of advances made to, persons who are in their employment or who propose to enter their employment for the provision of housing accommodation for such persons, and for this purpose the provisions of sections 43 and 45 of the Housing (Financial Provisions) Act 1958, as amended by section 3 of the House Purchase and Housing Act 1959, and Part II of the Housing Subsidies Act 1967, shall, subject to any necessary modifications, apply to the Authority as if they were a county council. Housing advances to employees. 1958 c. 42. 1959 c. 33. 1967 c. 29.

21. Where a person employed by the Authority occupying any housing accommodation provided by the Authority under section 69 of the Act of 1963 ceases to be employed by them or dies, the Authority may permit him or any of his dependants to remain in occupation of the premises until other accommodation has been found, and where the Authority do so they may take from such person or his dependant such compensation for the retention of the premises as may be agreed without thereby creating a tenancy: Power to allow former employees to continue in occupation of houses provided by the Authority.

Provided that if the Authority permit any such person or his dependant to remain in occupation of the premises for twelve

PART IV
—cont.

months or longer they shall before the expiration of the period of twelve months grant him a tenancy of the premises on such terms and conditions as they consider to be appropriate in the circumstances of the case.

Recreational,
etc., facilities
for employees.

22.—(1) The Authority may within or outside the Essex area provide and maintain recreational, social and welfare facilities for their employees.

(2) For the purposes aforesaid the Authority may—

(a) erect or maintain buildings;

(b) make such charges as they think fit for the use of facilities provided under this section;

(c) make regulations for the management of such premises.

(3) No power conferred upon the Authority by this section shall be exercised in such a manner—

(a) as to be at variance with any trust subject to which any land or building is held, managed or controlled by the Authority without an order of the High Court or of the Charity Commissioners, or of the Secretary of State for Education and Science or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or

(b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Authority) subject to which a gift or lease of any land or building has been accepted by or granted to the Authority without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

(4) The Authority may contribute towards expenses incurred by any other person in providing and maintaining within or outside the Essex area any of the facilities for their employees mentioned in subsection (1) of this section and any such contribution may be by means of a loan on such terms and conditions as the Authority think fit.

PART V

FINANCE

Capital fund.

23.—(1) The Authority may establish a fund (to be called “the capital fund”) to be used for defraying any expenditure of the Authority to which capital is properly applicable, or in providing money for repayment of loans (but not in making any annual payment required to be made in respect of loans).

(2) The capital fund shall not be used directly or indirectly for any of the purposes for which a reserve fund established under section 84 of the Act of 1963 may be used.

(3) The moneys in the capital fund shall (unless applied in any other manner authorised by any enactment) be invested and any income arising from the investment of those moneys, or otherwise from the application of the fund, shall be carried to the fund.

(4) (a) Subject to the provisions of this subsection the Authority may pay into the capital fund—

(i) any sums derived from the sale of any property of the Authority, not being property held by them for the purposes of their new functions;

(ii) the whole or any part of the surplus of the revenue income over the revenue expenditure of the general account, on 31st March in any year, except so far as required by law to be applied to or carried forward for any other purpose; and

(iii) such other sums from the general account as the Authority may by resolution direct;

(b) No payment shall be made into the capital fund by the Authority—

(i) in any year in excess of a sum equivalent to one-tenth of the appropriate penny rate product (calculated in accordance with section 121 (Calculation of appropriate penny rate product) of the Act of 1963) for the area of the Authority; or

(ii) so as to make that fund exceed £250,000 at any time.

(c) In the case of an application of moneys in the capital fund, the amount to be applied shall not in any one transaction exceed £100,000.

24.—(1) The Authority may establish a fund to be called Insurance “the insurance fund” with a view to providing a sum of money fund. which shall be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may be specified in a resolution of the Authority (in this section referred to as “the specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Authority from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) When the insurance fund shall amount to the prescribed amount the Authority shall discontinue the appropriations to

PART V
--cont.

the fund under subsection (4) of this section but if the fund is at any time reduced below the prescribed amount the Authority shall recommence and continue such appropriations until the fund be restored to the prescribed amount and if at any time the Authority reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed such moneys as are in excess of the prescribed amount shall be transferred to the general account and the water resources account in such proportions as the Authority think equitable and any moneys so transferred to either account shall be apportioned between the several divisions of that account in such proportions as the Authority consider equitable.

(4) The Authority may from time to time appropriate to the insurance fund such sums as they think fit from the general account or the water resources account and shall show the same in their accounts under the separate heading or division in respect of the particular service of the Authority which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(5) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks, or any of them, all moneys for the time being standing to the credit of the insurance fund shall, unless applied in any other manner authorised by any enactment, be invested, and the interest and other annual proceeds received by the Authority in respect of such investments shall be carried to and form part of the insurance fund.

(6) (a) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Authority in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses, damages, costs or expenses become ascertained, and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses the Authority may with the sanction of the appropriate Minister or Ministers borrow at interest under and subject to the provisions of section 92 of the Act of 1963 (as extended by section 39 of the Essex River and South Essex Water Act 1969) such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general account and the water resources account as may be appropriate and charged in the accounts of the Authority under the separate headings or divisions

in respect of such services of the Authority and in such proportions as the Authority may determine having regard to the risks through which such deficiencies arise.

(7) Any covenant or obligation binding on the Authority to insure against any risk shall (except in so far as the terms of such covenant or obligation otherwise specifically provide) be deemed to be satisfied by a resolution of the Authority under subsection (1) of this section and that risk shall be one of the specified risks.

(8) In this section—

“ insurance office ” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters; and

“ the prescribed amount ” means such sum as may from time to time be prescribed by the Authority.

25.—(1) In this Part of this Act—

“ the general account ” means the account or accounts recording the transactions of the Authority (other than those required to be included in the water resources account established under section 83 of the Act of 1963).

Interpretation
of Part V.

(2) The provisions of subsections (2) and (3) of section 86 of the Act of 1963 shall apply to the investment of moneys in the fund established by the Authority under section 23 (Capital fund) or section 24 (Insurance fund) of this Act as they apply to the investment of the moneys comprised in a reserve fund authorised by that section.

PART VI

MISCELLANEOUS AND GENERAL

26. The Authority may make arrangements whereby the public may either at premises specially maintained for the purpose or otherwise obtain information concerning the services of the Authority and may, subject to conditions and restrictions to the like effect as any to which local authorities may from time to time be subject in the exercise of their powers under section 135 of the Local Government Act 1948—

Information,
lectures, etc.,
on functions
of the
Authority.

1948 c. 26.

- (a) arrange for the publication of information on questions relating to any of the functions of the Authority; and
- (b) arrange for the delivery of lectures and addresses and the holding of discussions on such questions; and

PART VI
—cont.

(c) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such questions; and

(d) prepare, or join in or contribute to the cost of the preparation of pictures, films, models or exhibitions to be displayed or held as aforesaid.

Photographic
copies of
documents.

27. In the event of the passage during the present session of Parliament of any general Act relating to the functions of local authorities in England and Wales and containing provision as to the keeping and inspection of photographic copies of documents and as to such copies being receivable in evidence that provision shall for all purposes extend and apply to the Authority as if the Authority were a local authority to which that provision applies.

Offences in
respect of
apparatus.

28.—(1) If any person, without lawful authority or excuse, wilfully and without the consent of the Authority alters, interferes with or defaces any apparatus, appliance, instrument or equipment belonging to the Authority and installed for the purposes of or in connection with the exercise by the Authority of any of their functions or any structure containing or any fence, wall or other erection surrounding such apparatus, appliance, instrument or equipment he shall be liable on summary conviction to a fine not exceeding fifty pounds and the Authority may recover from him summarily as a civil debt the expense of making good or replacing the apparatus, appliance, instrument or equipment, structure, fence, wall or other surrounding erection.

(2) No proceedings shall be taken under this section for an offence in respect of which proceedings could be taken under any of the following enactments:—

1923 c. 16.

Paragraphs (a) and (c) of subsection (1) of section 22 of the Salmon and Freshwater Fisheries Act 1923;

Byelaws made under section 47 of the Act of 1930;

1945 c. 42.

Sections 67 and 68 of the Third Schedule to the Water Act 1945 (as applied to the Authority by subsection (3) of section 69 of the Act of 1963).

Evidence of
proceedings,
appointments,
etc.

29.—(1) In proceedings under any enactment, a document purporting to be certified by the clerk as a copy of a resolution passed, order made, or report received, by the Authority or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Authority or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Authority or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the Authority or committee on that date.

(3) In this section “ officer ” includes a servant and an agent.

30. In its application to the Authority section 120 of the Act of 1963 shall have effect as if the references in subsection (1) of that section to that Act included references to the Act of 1930, the Land Drainage Act 1961, and the Rivers (Prevention of Pollution) Acts 1951 to 1961.

Extension of section 120 of Act of 1963 to enactments relating to land drainage and pollution. 1961 c. 48.

31. Section 265 of the Public Health Act 1875, shall apply to the Authority as if—

Protection of members and officers of Authority from personal liability. 1875 c. 55.

(a) references in that section to a local authority were references to the Authority or to a committee of the Authority;

(b) references in that section to a member of a local authority were references to a member of the Authority and included references to a member of a committee of the Authority;

(c) for the words “ for the purpose of executing this Act ” there were substituted the words “ for the purpose of carrying out any of the functions of the Authority ”; and

(d) for the words “ out of the fund or rate applicable by such authority to the general purposes of the Act ” there were substituted the words “ by the Authority ”.

32. Section 289 of the Town and Country Planning Act 1971 shall apply to this Act as if it had been passed during the Session of the 10 & 11 Geo. 6; and accordingly the Town and Country Planning Act 1971, and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Saving for Town and Country Planning Act. 1971 c. 78.

33.—(1) The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the Authority.

Costs of Act.

PART VI
—cont.

(2) (a) The Authority may without the consent of any sanctioning authority borrow the sum required for the payment of such costs, charges and expenses and shall repay the sum so borrowed within such period as they may determine not exceeding ten years from the date of borrowing.

(b) Any sum borrowed by the Authority under this subsection shall for the purposes of the Act of 1963 be deemed to have been borrowed under subsection (2) of section 92 of that Act.

SCHEDULE 1

INTERNAL DRAINAGE DISTRICTS TO BE ABOLISHED

Name of district (1)	Enactment constituting district (2)	Amending enactments (3)
1. Brooklands Internal Drainage District ...	Essex River Board (Brooklands Internal Drainage District) Order 1960	—
1883 c. lxxiii. 2. Canvey Island Internal Drainage District	An Act passed in the thirty-second year of the reign of His late Majesty King George the Third, Chapter 31 intituled "An Act for more effectually embanking draining and otherwise improving the Island of Canvey in the county of Essex",	Canvey Island (Sea Defences) Act 1883.
3. Chelmer and Blackwater Drainage District	Chelmer and Blackwater Drainage District Order 1920	Chelmer and Blackwater Drainage Order 1927; Essex Rivers Catchment Board (Chelmer and Blackwater Internal Drainage District) Order 1935;
4. River Colne Internal Drainage District ...	River Colne Drainage Order 1923 ...	Essex River Authority (Alteration of Boundaries of the Chelmer and Blackwater Internal Drainage District) Order 1968.
5. Dengey Internal Drainage District ...	Essex Rivers Catchment Board (Dengey Internal Drainage District) Order 1934	Essex Rivers Catchment Board (Colne Internal Drainage District) Order 1934.
6. Fobbing Internal Drainage District ...	Essex Rivers Catchment Board (Fobbing Internal Drainage District) Order 1934	Essex River Authority (Alteration of Boundaries of the Dengey Internal Drainage District) Order 1966.
6. Fobbing Internal Drainage District ...	Essex Rivers Catchment Board (Fobbing Internal Drainage District) Order 1934	—

SCHEDULE 1—*continued*

Name of district (1)	Enactment constituting district (2)	Amending enactments (3)
7. Hamford Water Internal Drainage District	Essex Rivers Catchment Board (Hamford Water Internal Drainage District) Order 1934	—
8. Lower Crouch and Roach Drainage District	Lower Crouch and Roach Drainage Order 1924	Essex Rivers Catchment Board (Lower Crouch and Roach Internal Drainage District) Order 1934.
9. Maldon, Wivenhoe and Clacton Internal Drainage District	Essex Rivers Catchment Board (Maldon, Wivenhoe and Clacton Internal Drainage District) Order 1935	Essex Rivers Catchment Board (Alteration of Boundaries of the Maldon, Wivenhoe and Clacton Internal Drainage District) Order 1951; Essex River Authority (Alteration of Boundaries of the Maldon, Wivenhoe and Clacton Internal Drainage District) Order 1968.
10. Mundon and Latchingdon Internal Drainage District	Essex Rivers Catchment Board (Mundon and Latchingdon Internal Drainage District) Order 1934	—
11. North Fambridge Internal Drainage District	Essex Rivers Catchment Board (North Fambridge Internal Drainage District) Order 1934	Essex River Authority (Alteration of Boundaries of the North Fambridge Internal Drainage District) Order 1968.
12. Pitsea Internal Drainage District ...	Essex Rivers Catchment Board (Pitsea Internal Drainage District) Order 1934	—
13. Rainham Internal Drainage District ...	Essex Rivers Catchment Board (Rainham Internal Drainage District) Order 1934	—
14. Ramsey River Drainage District ...	River Stour (Essex and Suffolk) Catchment Board (Ramsey River Drainage District) Order 1933	—

Name of district (1)	Enactment constituting district (2)	Amending enactments (3)
15. Ripple Internal Drainage District ...	Essex Rivers Catchment Board (Ripple Internal Drainage District) Order 1934	—
16. River Stour Internal Drainage District ...	River Stour (Essex and Suffolk) Drainage Order 1919	River Stour Drainage (Alteration of Boundaries) Order 1920; River Stour (Essex and Suffolk) (Amending) Drainage Order 1923; River Stour (Essex and Suffolk) Catchment Board (Alteration of Boundaries of the River Stour (Essex and Suffolk) Drainage District) Order 1934; River Stour (Essex and Suffolk) Catchment Board (Alteration of Boundaries of the River Stour (Essex and Suffolk) Drainage District) Order 1938; Essex River Board (Alteration of Boundaries of the River Stour (Essex and Suffolk) Drainage District) Order 1953; Essex River Authority (Alteration of Boundaries of the River Stour (Essex and Suffolk) Drainage District) Order 1967.
17. River Stour Estuary Drainage District ...	River Stour (Essex and Suffolk) Catchment Board (River Stour Estuary Drainage District) Order 1933	—
18. Tendring Internal Drainage District ...	Essex Rivers Catchment Board (Tendring Internal Drainage District) Order 1934	Essex River Authority (Alteration of Boundaries of the Tendring Internal Drainage District) Order 1965.
19. Upper Crouch Internal Drainage District	Upper Crouch Drainage Order 1921 ...	Essex Rivers Catchment Board (Upper Crouch Internal Drainage District) Order 1935.

Section 15.

SCHEDULE 2

ORDERS PROVIDING THAT SECTION 79 (4) (a) OR (b) SHALL NOT APPLY TO SPECIFIED TIDAL WATERS OR INLAND WATERS

1. Where the Authority apply to the Secretary of State for an order under subsection (2) of section 15 (Extension of section 79 of Act of 1963) of this Act, the Authority shall submit to the Secretary of State a draft of the order, and shall publish at least once in each of two successive weeks, in one or more newspapers circulating in the locality where the tidal waters specified in the order are situated, a notice—

- (a) stating the general effect of the order as prepared in draft;
- (b) specifying a place in the Essex area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of the first publication of the notice; and
- (c) stating that any person may, within that period, by notice in writing to the Secretary of State object to the making of the order.

2. Not later than the date on which the notice is first published in pursuance of the preceding paragraph, the Authority shall serve a copy of the notice—

- (a) on every local authority within whose area any tidal waters or inland waters to which the order relates are situated; and
- (b) on any harbour authority, navigation authority or conservancy authority exercising functions in relation to the tidal waters or inland waters to which the order relates.

3. The Authority shall also publish a notice in the London Gazette stating that the draft order has been submitted to the Secretary of State, naming every local authority on whom a notice is required to be served under the last preceding paragraph, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of the newspaper in which the notice under paragraph 1 of this schedule was published and the date of an issue containing the notice.

4. The Authority shall, at the request of any person, furnish him with a copy of the draft order on payment of such charge, as the Authority think reasonable.

5. The Secretary of State may make the order either in the terms of the draft order or in those terms as altered in such manner as he thinks fit; but where he proposes to make any alteration, and considers that any persons are likely to be adversely affected by it, the Authority shall give and publish such additional notices, and in such manner, as the Secretary of State may require.

6. If before the end of the period of twenty-eight days referred to in paragraph 1 of this schedule, or of twenty-five days from the publication in the London Gazette of the notice under paragraph 3 of this schedule, or of any period specified in notices under the last preceding paragraph, notice in writing of an objection is received by the Secretary of State from any person on whom a notice is required to be served under this schedule, or from any other person appearing to the Secretary of State to be affected by the order as prepared in draft or as proposed to be altered, and the objection is not withdrawn, the Secretary of State, before making the order, shall either—

SCH. 2
—cont.

- (a) cause a local inquiry to be held; or
- (b) afford to the objector and to the Authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

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Essex River Authority Act 1972

CHAPTER xxxix

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