

Essex River and South Essex Water Act 1969

CHAPTER xlix

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short and collective titles.
2. Division of Act into Parts.
3. Interpretation.
4. Application and modification of enactments.

PART II

WORKS

1. Power to River Authority to construct works.
2. Temporary works affecting tidal waters.
3. Subsidiary powers to River Authority.
4. Stopping up of road.
5. Power to River Authority to dredge.

Section

10. Power to Company to construct works.
11. Temporary stoppage of watercourses, highways, etc.
12. Tidal works not to be executed without approval of Board of Trade.
13. Provision against danger to navigation.
14. Abatement of works abandoned or decayed.
15. Survey of tidal works.
16. Permanent lights on tidal works.
17. Lights on tidal works during construction.

PART III

LANDS

18. Power to acquire land.
19. Correction of errors in deposited plans and book of reference.
20. Acquisition of part only of certain properties.
21. Power to acquire easements only.
22. Easements only to be acquired by the Company for underground works.
23. Disregard of recent improvements and interests.
24. Extinction of private rights of way.
25. Grant of easements by persons under disability.
26. Provision of substituted sites.
27. Agreements with adjoining owners.
28. Power to reinstate owners or occupiers of property.

PART IV

ABSTRACTIONS, IMPOUNDING WORKS AND DISCHARGES

29. Interpretation for purposes of Part IV.
30. Abstractions from river Stour by means of Cattawade intake.
31. Requirements by River Authority to maintain flow river Stour.
32. Abstraction from Abberton reservoir.
33. Licence for abstraction from river and Abberton reservoir.
34. Operation of sluices.
35. Cattawade barrage and Work No. 7 deemed to be constructed under impounding licences.

PART V

FINANCE

36. Power of River Authority to borrow.
37. Application of section 92 (6) of Act of 1963 to borrowing by River Authority for purposes of this Act and Act of 1968.

Section

38. Land drainage works to rank for grant.
39. Power to borrow by issue of stock or bonds.
40. Consolidated loans fund.

PART VI

SPECIAL PROVISIONS RELATING TO THE RIVER AUTHORITY

41. Compulsory powers to discharge into sources of supply.
42. Power to River Authority to take action in case of pollution of underground water.
43. Power to require information as to ownership of land.
44. Determination of boundary of River Authority in Thames.
45. Repeal of enactments relating to Canvey Island Commissioners.

PART VII

SPECIAL PROVISIONS RELATING TO THE COMPANY

46. Cutting off communication pipes to prevent waste of water.
47. Amendments of section 16 of Act of 1945.
48. Power for Company to require information as to ownership of land.

PART VIII

MISCELLANEOUS AND GENERAL

49. Alteration of limits of Harwich Harbour.
50. Removal of lock gates at Brantham.
51. Application and extension of Act of 1963.
52. Application of section 145 of Local Government Act 1933.
53. For protection of Postmaster General.
54. For protection of Essex County Council.
55. For protection of Conservancy Board.
56. For protection of British Railways Board.
57. For protection of electricity undertakers.
58. For protection of the Eastern Gas Board.
59. Crown rights.
60. Town and country planning.
61. Costs of Act.

SCHEDULES:

- Schedule 1—Provisions of the Third Schedule applied—
Part I—Provisions applied to the River Authority.
Part II—Provisions applied to the Company.
Schedule 2—Lands in respect of which possession can be taken after notice to treat on giving not less than fourteen days' notice.

ELIZABETH II



1969 CHAPTER xlix

to empower the Essex River Authority to construct a barrage across the estuary of the river Stour and other works; to empower the South Essex Waterworks Company to construct works and to abstract water from the river Stour; to empower the Essex River Authority and the South Essex Waterworks Company to acquire lands and rights; to confer further powers on the Essex River Authority and on the South Essex Waterworks Company; and for other purposes.

[25th July 1969]

WHEREAS the Essex River Authority (hereinafter referred to as "the River Authority") were constituted in pursuance of the Water Resources Act, 1963 (hereinafter "the Act of 1963"), as the authority responsible for the conservation, land drainage, prevention of pollution, management and improvement of salmon, trout and fisheries within an area which comprises the catchment of the river Stour;

and whereas as the authority responsible for water conservation in that area the River Authority are charged by the Act of 1963 with the duty of taking such action as they consider necessary for the purpose (inter alia) of augmenting water in their area:

And whereas the South Essex Waterworks Company (here after referred to as "the Company") were incorporated by 1861 c. cxxxvii. South Essex Waterworks Act, 1861, and by virtue of the South Essex Waterworks Acts and Orders, 1861 to 1968, are supplying water within limits of supply which comprise parts of Greater London and the county of Essex and are also affording supply in bulk of substantial quantities to a number of other water undertakers:

And whereas the demand for water both within the limits of supply of the Company and for supplies afforded in bulk has increased and continues to increase and further sources of supply will shortly be required to augment the capacity of the existing sources which include two intakes on the lower reaches of the river Stour:

And whereas with a view to enabling the Company to increase the quantity of water which they can abstract from the river Stour without detriment to other interests it is expedient to restrict the flow of tidal waters above Cattawade by the construction by the River Authority of a barrage as in this Act provided:

And whereas the Company have agreed to make a contribution towards the cost of the barrage and of the other works to be constructed by the River Authority under this Act:

And whereas the said barrage, in addition to augmenting the water resources of the area of the River Authority, will constitute an important improvement to land drainage by reducing the incidence of the flooding of the low-lying land adjoining the north and south channels of the river Stour which is from time to time inundated by the influx of the tide:

And whereas it is expedient that the River Authority and the Company should be empowered to acquire lands and easements for the works which they are by this Act respectively authorised to construct:

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

And whereas it is expedient to make further provision in relation to the undertaking of the Company:

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

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

And whereas plans and sections showing the lines, situations and levels of the works authorised by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which may be acquired or used compulsorily under the powers of this Act, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the clerks of the county councils of the administrative counties of Essex and East Suffolk, which plans, sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections and the deposited book of reference:

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

(1) This Act may be cited as the Essex River and South Short and Essex Water Act 1969.

(2) So much of this Act as relates to the River Authority and River Authority's works and the Ely Ouse-Essex Water Act, 1968 may be cited together as the Essex River Authority Acts, 1968 c. xxvi. and 1969.

(3) So much of this Act as relates to the Company and the Company's works and the South Essex Waterworks Acts and Orders, 1861 to 1968, may be cited as the South Essex Waterworks Acts and Orders, 1861 to 1969.

This Act shall be divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Abstractions, impounding works and discharges.

Part V.—Finance.

Part VI.—Special provisions relating to the River Authority.

Part VII.—Special provisions relating to the Company.

Part VIII.—Miscellaneous and general.

Division of
Act into
Parts.

PART I
—cont.

Interpretation.

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 have the same respective meanings and the following expressions have the meanings hereby respectively assigned to them:—

1945 c. 42.

“ the Act of 1945 ” means the Water Act, 1945;

1961 c. 33.

“ the Act of 1961 ” means the Land Compensation Act, 1961;

1963 c. 38.

“ the Act of 1963 ” means the Water Resources Act, 1963;

1965 c. 56.

“ the Act of 1965 ” means the Compulsory Purchase Act, 1965;

1968 c. xxvi.

“ the Act of 1968 ” means the Ely Ouse-Essex Water Act, 1968;

“ the appropriate authority ” means—

(a) in relation to the River Authority's works in relation to any land in respect of which powers for compulsory acquisition are conferred upon the River Authority by this Act, the River Authority;

(b) in relation to the Company's works in relation to any land in respect of which powers for compulsory acquisition are conferred upon the Company by this Act, the Company;

“ the Cattawade barrage ” means Works Nos. 1 to 5;

“ the Company ” means the South Essex Water Company;

“ the Company's works ” means Works Nos. 8 to 11 and any works, apparatus or conveniences constructed or provided by the Company as part of, or in connection with, or for the purposes of, those works or any of them;

“ the Conservancy Board ” means the Harwich Harbour Conservancy Board;

“ the level of high water ” means the level of mean high water springs;

“ the old road ” means the road which before the construction of the existing bridge was the approach to the bridge which carried the Manningtree Road (A.137) over the south channel of the river;

“ the river ” means the river Stour;

“ the River Authority ” means the Essex River Authority;

“ the River Authority's works ” means Works Nos. 6 to 7 and any works, apparatus or conveniences constructed or provided by the River Authority as part of, or in connection with, or for the purposes of, those works or any of them;

“ the signed plan ” means the plan signed in quadrants by the Right Honourable the Earl of Listowel

chairman of the committee of the House of Lords to which the Bill for this Act was referred, one copy of which plan was deposited in the office of the Clerk of the Parliaments, one in the Private Bill Office, House of Commons, one with the clerk of the River Authority and one with the clerk of the county council of Essex;

“telegraphic line” has the same meaning as in the Telegraph Act, 1878.

“the Third Schedule” means the Third Schedule to the Act of 1945;

“tidal work” means so much of any work authorised by this Act as is on, under or over tidal waters or tidal lands below the level of high water;

“the tribunal” means the Lands Tribunal;

“the Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the undertaking” means the undertaking of the Company as for the time being authorised;

“watercourse” includes a river, stream, ditch, drain, cut, culvert, dyke, channel through which water flows and a sewer (except a local authority sewer).

(2) References in this Act to reference points shall be construed as references to the National Grid reference points.

(3) Unless the subject or context otherwise requires any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(4) Unless the subject or context otherwise requires references in this Act to any enactment shall be construed as references to that enactment as applied, extended, amended or varied by, or in virtue of, any subsequent enactment including this Act.

(1) (a) For the purposes of this Act the provisions of the Schedule which are specified in column (1) of Part I of this Act shall, subject to the modifications set out in column (2) thereof, apply to the River Authority and the River Authority's works and the provisions of the Third Schedule which are specified in column (1) of Part II of the said schedule shall, subject to the modifications set out in column (2) thereof, apply to the Company and the Company's works.

Subject as aforesaid the said provisions are hereby incorporated with this Act and, as so incorporated, shall have effect as if for references therein to undertakers there were substituted references to the appropriate authority.

Section 16 of the Railways Clauses Consolidation Act, 1845, 1845 c. 20. The provisions of that Act with respect to the temporary occupation of lands near the railway during the construction

PART I
—cont.

thereof are hereby incorporated with this Act and, as so incorporated, shall have effect as if—

- (a) for the words “ the period by the special Act limited for the completion of the railway ” there were substituted the words “ the period of five years from the commencement of the construction of any of the works authorised by special Act ”;
- (b) the expression “ the company ” meant the appropriate authority; and
- (c) the expression “ the railway ” meant the works authorised by this Act and “ the centre of the railway ” meant the centre of any such works respectively.

(3) (a) Part I of the Act of 1965 (except section 4, paragraph 2 of subsection (2) of section 21, subsection (5) of section 27 thereof and sub-paragraph (3) of paragraph 3 of Schedule 3 thereto) in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act, 1946 applies and as if this Act were a compulsory purchase order under the said Act of 1946.

1946 c. 49.

(b) The provisions of the Act of 1965, as so applied, shall have effect as if—

- (i) the requirement in subsection (1) of section 11 of the said Act as to giving not less than fourteen days' notice before entry only applied to the lands specified in Schedule 2 to this Act and as regards any other land in respect of which notice to treat has been served required not less than three months' notice;
- (ii) in subsection (3) of section 11 of the said Act the word “ purchase ” there were inserted the words “ over or in which easements and rights may be compulsorily acquired ” and for the words “ not less than three nor more than fourteen days' notice ” there were substituted the words “ not less than seven days' notice in the case of the first entry and not less than two hours' notice in the case of a subsequent entry ”.

1845 c. 18.

(c) The Lands Clauses Consolidation Act, 1845, shall not apply to the acquisition of land under this Act.

PART II
WORKSPower to
River
Authority
to construct
works.

5.—(1) Subject to the provisions of this Act, the River Authority may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the

levels shown on the deposited sections, construct and maintain in the counties of Essex and East Suffolk the works hereinafter described together with all necessary works and conveniences connected therewith, namely:—

In the county of Essex—

Work No. 1 An improvement of the sea wall (the Skinners Arms West sea wall) in the parish of Lawford in the rural district of Tendring consisting of a raising, widening, strengthening, straightening or diversion of the said sea wall commencing at the point of junction between the said sea wall and the embankment carrying the Manningtree-Ipswich railway of the British Railways Board at reference point TM 1005 3250, and terminating at the point of junction between the said sea wall and the old road at reference point TM 0990 3263.

In the counties of Essex and East Suffolk—

Work No. 2 A sea wall and sluice (the south channel sea wall and sluice) in the said parish of Lawford and in the parish of Brantham in the rural district of Samford in the county of East Suffolk commencing at the point of termination of Work No. 1 and terminating at reference point TM 1003 3281.

In the county of East Suffolk—

Work No. 3 A sea wall (the Cattawade Road sea wall) in the said parish of Brantham commencing at the termination of Work No. 2 and terminating by a junction with the Cattawade Creek sea wall at reference point TM 1017 3301;

Work No. 4 An improvement of the sea wall (the Cattawade Creek sea wall) in the said parish of Brantham, consisting of a raising, widening, strengthening, straightening or diversion of the said sea wall commencing at the termination of Work No. 3 and terminating at reference point TM 1022 3297;

Work No. 5 A sea wall and sluice (the north channel sea wall and sluice) in the said parish of Brantham in the north channel of the river at Cattawade Creek commencing at the termination of Work No. 4 and terminating by a junction with the sea wall (the B.X. Plastics sea wall) at reference point TM 1030 3304.

In the counties of Essex and East Suffolk—

Work No. 6 An improvement of the north channel of the river (the north channel improvement) in the said parishes of Lawford and Brantham and the parish of Dedham in the rural district of Lexden and Winstree

PART II
—cont.

in the county of Essex and the parish of East Bergholt in the said rural district of Samford consisting of an alteration, widening, deepening, strengthening, straightening or diversion of parts of the bed and banks of so much of the said channel as lies between reference point TM 0780 3285 and the westerly face of the bridge carrying the Manningtree-Ipswich road (A.137) over the north channel of the river.

In the county of Essex—

Work No. 7 A weir and sluice (the Judas Gap Weir and Sluice) on the site of the existing weir and sluice on the south bank of the north channel of the river improved by the construction of Work No. 6 in the said parish of Lawford at reference point TM 0800 3281.

(2) The River Authority may from time to time renew or alter the works described in subsection (1) of this section.

Temporary
works
affecting
tidal waters.

6.—(1) Subject to the provisions of this Act the River Authority may in connection with and at or near the barrage construct, place and maintain in the river and the bed and foreshore thereof all such temporary piles, booms, dolphins, pontoons, caissons, stagings, coffer-dams, embankments, piers, abutments, wharves, walls, fences, drains, stairs, buildings and other works and conveniences as they may deem expedient or necessary:

Provided that the River Authority shall ensure that, so far as is reasonably practicable, any such temporary works do not unnecessarily narrow or obstruct the navigable waterway of the said river or otherwise interfere with or impede navigation or obstruct the flow of water or the passage of fish.

(2) On the completion of the said works the River Authority shall remove all temporary works placed by them under the powers of this section on the seaward side of the said works under or over land below the level of high water.

Subsidiary
powers to
River
Authority.

7.—(1) Subject to the provisions of this Act and within the limits of deviation of the River Authority's works shown on the deposited plans or on any land acquired by the River Authority under the powers of this Act, the River Authority, in connection with and for the purposes of those works, may—

(a) make junctions and communications between any of its works and any watercourses and any existing streets, roads, droves, ways, fords, bridges, towing paths and footpaths;

(b) make, provide and maintain all necessary and convenient buildings, walls, banks, embankments, borrow pits,

quays, slipways, pavings, hards, moorings, boat-hoists, rollers and other facilities for transporting boats, fish ladders or passes or other apparatus for facilitating the passage of fish, piling, fences, facilities for watering cattle and other animals, culverts, drains, intakes, syphons, watercourses, weirs, sluices, wharves, mattresses, pitching, roads, droves, bridges, towing paths and footpaths, and all such mains, pipes, cables, wires, pumps, machinery, works and appliances as may be required:

(c) raise, widen, lengthen, alter and reconstruct the bridges over any watercourses widened, deepened, strengthened, straightened or diverted under the powers of this Act and the approaches to such bridges and strengthen, underpin and deepen the piers, arches and other supports and the foundations thereof without acquiring the said bridges or any interest therein;

(d) stop up and discontinue so much of the watercourses shown on the deposited plans as will be rendered unnecessary by reason of the execution of the River Authority's works;

(e) dispose of spoil or other material excavated in the execution of the River Authority's works;

(f) execute any works for the protection of any adjoining lands or buildings;

(g) remove, alter, divert or stop up any drain, sewer or watercourse, the River Authority providing a proper substitute before interrupting the flow of water or sewage in any drain, sewer or watercourse;

(h) fell, lop or cut and remove any tree, bush, shrub or other vegetation; and

(i) alter any mains, pipes, wires and other works and apparatus for conveying or transmitting water, gas, electricity or petroleum (as defined in the Petroleum (Consolidation) Act, 1928):

1928 c. 32.

(2) In the exercise of the powers conferred by this section, the Authority shall cause as little detriment and inconvenience as circumstances admit.

Within the limits of deviation shown on the deposited plans in relation to the River Authority's works the River Authority may lower or otherwise alter the position of any steps, areas, windows, pipes or spouts belonging to any house or

PART II
—cont.

building, and may remove all other obstructions so that the same be done with as little delay or inconvenience to the inhabitants as the circumstances of the case will admit.

(4) The powers of paragraph (c) of subsection (1) of this section shall not be exercised by the River Authority in relation to a bridge carrying a highway without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than monetary payment) as the highway authority may require, and any question whether such consent is unreasonably withheld or any conditions so imposed are unreasonable shall be determined by the Minister of Transport.

Stopping up
of road.

8.—(1) The River Authority may stop up so much of the old road as is within the limits of deviation of Work No. 2 as shown on the signed plan and thereupon all rights of way over or along the said road shall be extinguished.

(2) No portion of the old road shall be stopped up under the powers of subsection (1) of this section until the River Authority are owners in possession of all lands abutting on both sides of the road except so far as the owners, lessees and occupiers of those lands may otherwise agree.

Power to
River
Authority
to dredge.

9.—(1) Subject to the provisions of this Act the River Authority may from time to time, after the construction of the Cattisburgh barrage, deepen, dredge, scour and improve and remove obstructions from the bed, foreshore and banks of so much of the river as is within an area bounded upstream by an imaginary line drawn between reference points TM 0994 3258 and TM 1032 1032 and downstream by an imaginary line drawn between reference points TM 1400 3314 and TM 1400 3173.

(2) No rock, chalk, gravel, sand, mud and other materials dredged up or removed under the powers of this section shall be laid down or deposited in any place below the level of high water except in such a position and under such restrictions and regulations as may be fixed by the Board of Trade.

(3) No materials dredged up or removed under the powers of this section shall be laid down or deposited in such a place or in such a manner as to cover any submarine cable placed or maintained by the Postmaster General or in any way obstruct or impede any work of or connected with the inspection or repair of such cable.

Power to
Company to
construct
works.

10.—(1) Subject to the provisions of this Act, the Company may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the counties of East Suffolk and Essex the works hereinafter described together with all necessary works and conveniences connected therewith, namely:—

In the county of East Suffolk—

Work No. 8 An intake in the parish of Brantham in the rural district of Samford situated on the left bank of the north channel of the river 110 yards upstream of and west of Cattawade Bridge;

Work No. 9 A line or lines of pipes in the said parish of Brantham commencing at the pumping station (Work No. 10) and terminating at the intake (Work No. 8);

Work No. 10 A pumping station in the said parish of Brantham situated at the Spice Mill on the north side of Bergholt Road opposite Brantham Mill and adjacent to Mill House.

In the counties of East Suffolk and Essex—

Work No. 11 A line or lines of pipes commencing at the Ardleigh reservoir of the Company in the parish of Ardleigh in the rural district of Tendring in the county of Essex, passing into and through the parish of Dedham in the rural district of Lexden and Winstree in the said county and the parish of East Bergholt in the rural district of Samford in the county of East Suffolk and terminating in the said parish of Brantham at the pumping station (Work No. 10).

(2) The Company may from time to time renew and alter the works described in subsection (1) of this section.

(3) The Company's works shall for all purposes form part of an undertaking.

11.—(1) The River Authority during, and for the purposes of, the execution of the River Authority's works and the Company's works, may temporarily stop up, alter, divert or interfere with any watercourse or any highway or any right of way, and, in the case of any highway or right of way, may for any reasonable time divert the traffic therefrom and may prevent all persons other than those bona fide going to or from a house or building abutting on the highway or right of way from passing along and using the same.

Temporary
stoppage of
watercourses,
highways, etc.

PART II
—cont.

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

(3) (a) The powers of subsection (1) of this section shall not be exercised in relation to any watercourse without providing proper substitute before interrupting the passage of water in or through such watercourse, and the appropriate 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 tribunal.

(b) The powers of subsection (1) of this section shall not be exercised in relation to a highway without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment) as the highway authority may require, and any question whether such consent is unreasonably withheld, or any conditions so imposed are unreasonable, shall be determined by the Minister of Transport.

(c) The provisions of subsection (1) of this section shall not be exercised with respect to a highway upon which a service of stage carriages or express carriages is operated unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the road service licence under which that service is authorised.

Tidal works
not to be
executed
without
approval of
Board of
Trade.

12.—(1) A tidal work shall not be constructed, renewed, altered except in accordance with plans and sections approved by the Board of Trade and subject to any conditions and restrictions imposed by the Board before the work is begun.

(2) If a tidal work is constructed, renewed or altered in contravention of this section or of any condition or restriction imposed under this section—

(a) the Board may by notice in writing require the River Authority at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of thirty days from the date when the notice is served upon the River Authority, they have failed to comply with the requirements of the notice, the Board may execute the works specified in the notice; or

(b) if it appears to the Board urgently necessary, so to do they may themselves remove the tidal work or part of it and restore the site to its former condition;

and any expenditure incurred by the Board in so doing shall be recoverable from the River Authority as a simple contract debt.

PART II
—cont.

Provision
against
danger to
navigation.

Abatement
of works
abandoned
or decayed.

Survey of
tidal works.

Permanent
lights on
tidal works.

13.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the River Authority shall forthwith notify the Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Trinity House shall from time to time direct.

(2) If the River Authority fail to notify the Trinity House as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

14.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Board of Trade may by notice in writing require the River Authority at their own expense either to repair and restore the work or any part thereof or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Board think proper.

(2) Where a work, authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water, is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Board may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of thirty days from the date when a notice under this section is served upon the River Authority, they fail to comply with the requirements of the notice, they shall execute the works specified in the notice and any expenditure incurred by them in so doing shall be recoverable from the River Authority as a simple contract debt.

15. The Board of Trade may at any time, if they deem it expedient, order a survey and examination of a tidal work constructed by the River Authority or of the site upon which it is to construct the work, and any expenditure incurred by the Board in any such survey and examination shall be recoverable from the River Authority as a simple contract debt.

(1) After the completion of a tidal work, the River Authority shall at the outer extremity thereof exhibit every night to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Trinity House shall from time to time direct.

(2) If the River Authority fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

PART II
—cont.

Lights on
tidal works
during
construction.

17.—(1) The River Authority shall at or near a tidal work during the whole time of the construction, renewal or alteration thereof exhibit 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 direct.

(2) If the River Authority fail to comply in any respect with a direction given under this section they shall be liable on conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

PART III

LANDS

Power to
acquire land.

18.—(1) Subject to the provisions of this Act—

(a) the River Authority may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the River Authority's works or for the purposes of obtaining access thereto or obtaining materials for the construction thereof or depositing spoil or other material excavated during the construction thereof or otherwise for the purposes of this Act or other purposes connected therewith;

(b) the Company may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the Company's works, or for the purposes of obtaining access thereto or obtaining materials for the construction thereof or otherwise for the purposes of this Act or other purposes connected therewith.

(2) The powers of the River Authority and the Company in relation to the compulsory acquisition of lands under this section shall not be exercised after the 31st December, 1972.

Correction
of errors in
deposited
plans and
book of
reference.

19.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the appropriate authority after giving not less than ten days notice to the owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from a mistake,

the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the clerk of the Essex County Council or the East Suffolk County Council (as the case may require), and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament who has the custody of any copy so deposited, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the appropriate authority to take the land and execute works in accordance with the certificate.

A person with whom a copy of the certificate is deposited under this section shall keep it with the other documents to which it relates.

(1) Where a copy of this section is endorsed on, or added to, a notice to treat served under the Act of 1965, as amended by this Act, the following provisions of this section shall apply to the land subject to the notice instead of subsection (1) of section 8 of that Act.

(2) Where the land subject to the notice is part only of a house, building or factory, or part only of land consisting of a house, together with any park or garden belonging thereto then, if the person on whom the notice is served, within twenty-one days after the day on which the notice is served on him, serves on the appropriate authority a counter-notice objecting to the sale of the land and stating that he is willing and able to sell the whole or a part of the land (hereinafter in this section referred to as "the land subject to the counter-notice"), the question whether he shall be required to sell the part shall, unless the appropriate authority agree to take the land subject to the counter-notice, be referred to the tribunal.

If the said person does not serve such a counter-notice as aforesaid within twenty-one days after the day on which the notice is served on him, or if on such a reference to the tribunal the tribunal determine that the part subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, or, in the case of part of land consisting of a house together with a park or garden belonging thereto, without material detriment to the remainder of the land

PART III
—cont.

subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the said person shall be required to sell the part.

(4) If on such a reference to the tribunal the tribunal determine that part only of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice, or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat shall be deemed to be a notice to treat for that part.

(5) If on such a reference to the tribunal the tribunal determine that the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice but that the material detriment is confined to part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the appropriate authority are authorised to acquire compulsorily under this Act.

(6) If the appropriate authority agree to take the land subject to the counter-notice, or if the tribunal determine that—

(a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, and

(b) the material detriment is not confined to a part of the land subject to the counter-notice;

the notice to treat shall be deemed to be a notice to treat for the whole of the land subject to the counter-notice whether or not that land is land which the appropriate authority are authorised to acquire compulsorily under this Act.

(7) In any case where, by virtue of a determination by the tribunal under subsection (4), (5) or (6) of this section, a notice to treat is deemed to be a notice to treat for part of the land specified in the notice or for more land than is specified in the notice the appropriate authority may, within six weeks after the notice is given, withdraw the notice to treat, and if they do so shall pay to the said person compensation for the loss or expense occasioned to him by the giving and withdrawal of the notice, to be determined in default of agreement by the tribunal.

(8) Where a person is under this section required to sell part only of a house, building or factory, or of land consisting of

house together with any park or garden belonging thereto, the appropriate authority shall pay him compensation for any loss sustained by him due to the severance of that part in addition to the value of his interest therein.

21.—(1) The appropriate authority may, instead of acquiring any land which they are authorised to acquire compulsorily under this Act, acquire compulsorily such easements and rights over the land as they may require for the purpose of constructing, using, maintaining, renewing or removing the River Authority's works or the Company's works (as the case may be) or for the purpose of obtaining access to those works or for the purpose of doing any other thing necessary in connection with those works.

(2) Accordingly the appropriate authority may give notice to treat in respect of any such easement or right describing the nature thereof and "land" in Part I of the Act of 1965, as applied by this Act, includes such easements and rights as aforesaid.

Where the appropriate authority have acquired an easement only over or in any land under this section—

(a) they shall not be required or, except by agreement or during the execution of the works authorised by this Act, entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the appropriate authority to acquire the land, the appropriate authority shall not be entitled under this section to acquire the easement or right unless the tribunal decides that the easement or right can be granted without any material detriment to the land or, in the case of a park or garden attached to a house, without seriously affecting the amenity or convenience of the house; and, if the tribunal does not so determine, the appropriate authority may acquire the land compulsorily under section 20 (Power to acquire land) of this Act has expired, but not more than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land which is a part of a street.

PART III
—cont.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Easements only to be acquired by the Company for underground works.

22. Notwithstanding anything in section 18 (Power to acquire land) or section 21 (Power to acquire easements only) of this Act, the Company shall not purchase compulsorily any land for the construction of Works Nos. 9 and 11 (other than any work to be constructed on the surface of the ground forming part of, or connected with, any of those works) if the owners thereof are able and willing to grant or sell to the Company such easements or rights in that land as may be sufficient for the purpose of constructing and maintaining any such work as aforesaid at a price to be agreed or, failing agreement, to be determined by arbitration in accordance with the provisions of the Act of 1965.

Disregard of recent improvements and interests.

23. In determining a question with respect to compensation claimed in consequence of the compulsory acquisition of land under this Act, the tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land, by reason of any building erected, works executed, or improvement or alteration made, whether on the land acquired or on any other land with which the claimant is, or was, at the time of the erecting, executing or making of the building, work, improvement or alteration, directly or indirectly concerned, if the tribunal is satisfied that the creation of the interest in land, the erection of the building, the execution of the works or the making of the improvement or alteration (as the case may be) was, or was reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

Extinction of private rights of way.

24.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall be extinguished on the acquisition of the land, whether compulsorily or by agreement, or on the entry on the land in pursuance of subsection (1) of section 11 of the Act of 1965, as applied by this Act, whichever is the sooner.

(2) Any person who suffers loss by the extinguishment of a right under this section shall be entitled to be paid by the appropriate authority compensation, to be determined, in case of dispute, in accordance with the provisions of the Act of 1965.

Grant of easements by persons under disability.

25.—(1) Any person empowered by the Act of 1965, as applied by this Act, to sell and convey or release lands may, if he thinks fit, subject to the provisions of the Act of 1965, grant to the appropriate authority any easement or right required for the purposes of this Act over or in the lands, not being an easement or right of water in which some person other than the grantor has an interest.

PART III
—cont.

(2) The provisions of the Act of 1965 with respect to lands and rentcharges, so far as they are applicable, shall extend and apply to any such grant and to any such easement or right as aforesaid.

26. The powers of the River Authority and the Company to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites for the owners and occupiers of land which may be required under this Act.

Provision of substituted sites.

27.—(1) The appropriate authority may enter into and carry into effect agreements with any person being the owner of, or interested in, any land adjoining any portion of the River Authority's works or the Company's works (as the case may be), or of land which may be acquired by the appropriate authority under this Act, with respect to the sale by the appropriate authority to him (subject to such reservations, restrictions or provisions as to the appropriate authority seem fit) of any land not required for the said works.

Agreements with adjoining owners.

(2) The appropriate authority may accept as satisfaction for the whole or any part of the consideration for any such sale the amount payable by the purchaser of any land required by the appropriate authority for the purposes of this Act or any easement or right so required.

28.—(1) The River Authority or the Company may enter into, or carry into effect, an agreement or arrangement with the owner or occupier of any land acquired or to be acquired under this Act with respect to his reinstatement.

Power to reinstate owners or occupiers of property.

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

PART IV

ABSTRACTIONS, IMPOUNDING WORKS AND DISCHARGES

29.—(1) In this Part of this Act—

the expression "the Abberton reservoir" means the reservoir (No. 2) authorised by the South Essex Waterworks Act, 1935; 1935 c. xlviii.

Interpretation for purposes of Part IV.

the expression "abstract" means take, divert and appropriate for the purposes of augmenting the yield of the Abberton reservoir and associated sources of supply of the Company;

PART IV
—cont.

“ approved ” means agreed between the River Authority and the Company or in default of agreement determined by the application of either party after notice in writing to the other by the Water Resources Board;

“ the Cattawade intake ” means the intake (Work No. 10);

“ the date of commencement ” means the date on which the Company commences to abstract water from the river by means of the Cattawade intake;

“ day ” means a period of twenty-four hours reckoned from nine o'clock in the morning;

“ gauge ” means an automatically recording measuring gauge of approved design;

“ the Langham intake ” means the intake forming part of the aqueduct (No. 1) authorised by the South Essex Waterworks Act, 1928;

“ the Stratford St. Mary intake ” means the intake forming part of the aqueduct (No. 1) authorised by the South Essex Waterworks Act, 1935.

1928 c. lxxix.

1935 c. xlvi.

(2) References in this Part of this Act to a period of twelve months are to such a period commencing on the first day of January in any year.

Abstractions
from river
Stour by
means of
Cattawade
intake.

30.—(1) Subject to the provisions of this Act the Company may by means of the Cattawade intake abstract from the river a quantity of water not exceeding 12,000,000 gallons per day.

Provided that—

(a) the aggregate of the quantities of water abstracted from the river by means of the Cattawade intake and the Stratford St. Mary intake shall not exceed 546,000 gallons during any period of fourteen consecutive days between the first day of May and the thirty-first day of October or 560,000,000 gallons in any period of fourteen consecutive days between the first day of November and the thirtieth day of April in the following year;

(b) the rate at which water is abstracted by means of the Cattawade intake shall not exceed the rate at which the river immediately downstream of Stratford St. Mary Mill.

(2) If the Company are abstracting water from the river by means of the Cattawade intake they shall not abstract water from the river by means of the Langham intake or the Stratford St. Mary intake under the licence numbered S 36/15/93 granted by the River Authority to the Company—

(a) at any time when the rate of flow of the river at the Langham intake is 7,000,000 gallons per day or

(b) when the rate of flow of the river at the Langham intake exceeds 7,000,000 gallons per day, so as to reduce the rate of flow of the river immediately downstream of Stratford St. Mary Mill to less than 7,000,000 gallons per day.

(3) (a) The quantity of water abstracted by means of the Cattawade intake shall be measured by a gauge on an approved

(b) For the purposes of this section—

(i) the rate of flow of the river immediately downstream of Stratford St. Mary Mill shall be deemed to be the rate of flow of the river as measured by the two existing gauges installed by the Company at Stratford St. Mary Mill; and

(ii) the rate of flow of the river at the Langham intake shall be deemed to be the aggregate of—

the rate of flow of the river immediately downstream of Stratford St. Mary Mill (calculated in accordance with the foregoing paragraph);

the rate at which water is then being abstracted from the river by means of the Langham intake; and

the rate at which water is then being abstracted from the river by means of the Stratford St. Mary intake

The River Authority may at any time after the date of commencement require the Company to reduce the quantities abstracted from the river by means of the Langham and the Stratford St. Mary intake and the Cattawade intake to enable the River Authority—

Requirements by River Authority to maintain flow of river Stour.

(a) to discharge through the sluice forming part of Work No. 5 a quantity of water not exceeding 1,000,000 gallons in any one day; or

(b) to discharge either into the south channel of the river through Work No. 7 or into the north channel of the river downstream of Work No. 5 by means of the sluice forming part of that work a quantity of water not exceeding 6,000,000 gallons in any one day:

provided that

the aggregate of the quantities to be discharged under paragraph (a) of this section in a period of twelve months shall not exceed 20,000,000 gallons;

the Company shall not be required for the purpose of enabling the River Authority to discharge water in accordance with paragraph (b) of this section to reduce their abstraction of water from the river by means of

PART IV
—cont.

- the Langham intake to a quantity less than that which they are under the licence referred to in subsection 6. of the last foregoing section authorised so to abstract.
- (iii) the aggregate quantity which the River Authority may discharge under paragraph (a) and paragraph (b) of that section shall not exceed 150,000,000 gallons in a period of twelve months.

Abstraction
from
Abberton
reservoir.

32. As from the date of commencement the Company may abstract from the Abberton reservoir such a quantity of water as when added to the quantities which may be abstracted under the licences numbered 8/36/15/93 and 8/37/24/52 granted by the River Authority to the Company does not exceed in the aggregate 11,877 million gallons per annum.

Licence for
abstraction
from river and
Abberton
reservoir.

33.—(1) The provisions of the last three foregoing sections of this Act shall be deemed to be included in a licence under the Act of 1963 granted to the Company by the River Authority.

(2) The licence shall be deemed to have been granted on the passing of this Act and shall remain in force until revoked under the Act of 1963.

(3) Except as may be otherwise provided by this Act the provisions of the Act of 1963 shall apply to the licence deemed by the foregoing provisions of this section to have been granted under the Act of 1963 as they apply to a licence granted under that Act but the licence shall not be invalidated on the grounds that an application for the licence had been made under the Act of 1963 the River Authority would have been precluded by subsection (2) of section 29 of that Act from granting the licence.

Operation
of sluices.

34. The River Authority may regulate the opening, shutting and management of the sluices forming part of Works Nos. 5 and 7 and—

(a) by those means control the discharge of water into the estuary of the river; and

(b) by means of Work No. 2 control the influx of tidal waters into the river upstream of the Cattawade barrage.

Cattawade
barrage and
Work No. 7
deemed to be
constructed
under
impounding
licences.

35.—(1) The Cattawade barrage and Work No. 7 shall be deemed to have been constructed under licences under section 36 of the Act of 1963 granted by the Minister to the River Authority and the provisions of section 34 (Operation of sluices) of this Act shall be deemed to be included in the licence under which the said works are deemed to have been constructed.

(2) Except as may be otherwise provided by this Act the provisions of the Act of 1963 relating to licences granted under section 36 of that Act shall apply to the licence deemed by the foregoing subsection to have been granted under that section and they apply to those so granted.

PART V
FINANCE

Power of
River
Authority
to borrow.

36.—(1) The River Authority may borrow, without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table:—

| (1) Purposes for which money may be borrowed | (2) Amount | (3) Maximum period for repayment of loan |
|---|------------------|---|
| (a) The purchase of lands, easements and rights for the River Authority's works | The sum required | Sixty years. |
| (b) The construction of Works Nos. 1 to 7 (except sluice gates and ancillary plant and equipment forming part of Works Nos. 2, 5 and 7) | £293,000 | Thirty years. |
| (c) Sluice gates and ancillary plant and equipment forming part of Works Nos. 2, 5 and 7 | £34,000 | Fifteen years. |
| The payment out of capital of interest on moneys borrowed for, or in respect of, the foregoing purposes | The sum required | In relation to each of the following purposes, the period specified opposite thereto:— purpose (a) sixty years " (b) thirty years " (c) fifteen years. |
| The payment of the costs, charges and expenses of this Act payable by the River Authority | The sum required | Five years. |

Every sum borrowed under subsection (1) of this section repaid within such period from the date of borrowing as the River Authority without the consent of any sanctioning authority may determine, not exceeding the period specified in relation thereto in the third column of the said table.

The River Authority may also with the sanction of the Authority borrow such further sums as may be necessary for any purposes of this Act, and any sum borrowed under the

PART V
—cont.

powers of this subsection shall be repaid within such period, not exceeding sixty years, from the date of borrowing as the River Authority, with the consent of the Minister may determine.

1946 c. 58.

(4) It shall not be lawful to exercise the power of borrowing money conferred by this section otherwise than in compliance with the provisions of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Application of section 92 (6) of Act of 1963 to borrowing by River Authority for purposes of this Act and Act of 1968.

37.—(1) Subsection (6) of section 92 of the Act of 1963 shall apply to any money borrowed by the River Authority for the purposes of this Act or of the Act of 1968 if the purpose for which the money is borrowed consists of or includes the construction of buildings or other permanent works as that section applies to money borrowed under subsection (2) of that section for such a purpose.

(2) Section 39 (Application of section 92 (6) of the Act of 1963 to borrowing by authorities for purposes of the Act) of the Act of 1968 shall cease to apply to the River Authority.

Land drainage works to rank for grant. 1930 c. 44.

38. Section 55 of the Land Drainage Act, 1930, shall apply to so much of the expenditure incurred by the River Authority under this Act in the improvement of existing works or the construction of new works as is properly attributable to the exercise of its function as a land drainage authority and for the purposes of that section the expenditure shall be deemed to have been incurred under that Act instead of under this Act.

Power to borrow by issue of stock or bonds.

39.—(1) The means by which the River Authority may borrow money which they are authorised to borrow shall include the issue of stock or the issue of bonds and accordingly subsection (1) of section 92 of the Act of 1963 shall have effect as if—

1933 c. 51.

(a) paragraph (b) of subsection (1) of section 92 of the Act of 1963 and section 204 of the Local Government Act, 1933, were included among the provisions of that Act applicable to the borrowing of money under subsection (2) of the said section 92 and the said subsection (2) shall be construed accordingly;

1963 c. 46.

(b) section 7 of and Schedule 1 to the Local Government (Financial Provisions) Act, 1963, were applicable to the borrowing of money under the said subsection (2); and

(c) money borrowed under the Act of 1968 or this Act which was borrowed under the said subsection (2).

(2) Subsection (4) of section 36 (Power to borrow) of the Act of 1968 shall cease to apply to the River Authority.

Consolidated loans fund. 1958 c. 55.

40. The provisions of section 55 of the Local Government Act, 1958, shall apply to the River Authority as if they were the provisions of a county.

PART VI

SPECIAL PROVISIONS RELATING TO THE RIVER AUTHORITY

41.—(1) An order under section 67 of the Act of 1963 conferring on the River Authority compulsory powers for the purpose of carrying out engineering or building operations may in any case where such operations consist of or include the construction of works for making any discharge into any source of supply for the purpose of augmenting the water resources therein authorise the River Authority to make such discharge.

Compulsory powers to discharge into sources of supply.

(2) In its application to a draft order submitted to the Minister which proposes to authorise the River Authority to exercise such power as is referred to in the foregoing subsection, sub-paragraph (b) of paragraph 2 of Schedule 8 to the Act of 1963 shall have effect as if the only land in relation to which compulsory powers for that purpose are being sought were the land on which the discharge is to be made.

42.—(1) Where it appears to the River Authority that water in any underground strata in their area has been or is likely to be polluted they may carry out such operations as they consider necessary or expedient—

Power to River Authority to take action in case of pollution of underground water.

(a) for removing the matter causing or likely to cause the pollution and for disposing of it in such manner as the River Authority consider appropriate; and

(b) for preventing, remedying or mitigating the pollution of such water.

(2) Subsection (5) of section 3 of the Act of 1963 shall apply in relation to the powers conferred on the River Authority by this section as if they had been included among the functions of the Essex River Board transferred to the River Authority by section 5 of that Act; and those powers shall be included among the powers conferred on the River Authority accordingly.

(3) In paragraph (a) of subsection (2) of section 135 of the Act of 1963 the reference to functions relating to river pollution includes in relation to the River Authority the powers conferred on them by this section.

Nothing in this section shall be construed as derogating from any duty of the River Authority to enforce the provisions of the Rivers (Prevention of Pollution) Acts, 1951 to 1961 in their area.

(1) The River Authority may for the purpose of enabling them to perform any of their functions require—

Power to require information as to ownership of land.

(a) the occupier, and any person having an interest in any land within or without their area, and any person who, whether directly or indirectly, receives rent in respect of such land, to state in writing the nature of his own interest therein and the name and address of any other

PART VI
—cont.

person known to him as having an interest in that land, whether as freeholder, mortgagee, lessee or otherwise, the name and address of any person known to him to receive either directly or indirectly the rent in respect of that land; and

(b) any person who has sold or otherwise disposed of, leased or let any land within or without the county of Essex, shall state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who, having been required by the River Authority in pursuance of this section to give to them any information, fails to give that information or knowingly makes a misstatement in respect thereof shall be liable to a fine not exceeding ten pounds.

(3) For the purposes of this section—

“land” means any corporeal hereditament, including a building, and includes any interest in or right over land;

“interest” includes any legal estate or interest in land, and any rentcharge issuing out of land.

Determination
of boundary of
River
Authority
in Thames.

44.—(1) For the purpose of enabling the Minister to make under paragraph 4 of Schedule 2 to the Act of 1964, determine the extent to which any part of the river Thames within the area of the River Authority, so much of the north bank of that river as is within the London excluded area as is opposite to any part of the north bank of the said river in the area of the River Authority shall be deemed to be in the area of a river authority.

(2) In this section “the London excluded area” means so much of Greater London, and of any area adjoining Greater London, as does not lie within the Thames catchment area, the Lee catchment area or the area of any river authority.

Repeal of
enactments
relating to
Canvey
Island
Commis-
sioners.
1883 c. lxxiii.

45. The Canvey Island (Sea Defences) Act, 1883, and any other Act passed in the thirty-second year of the reign of His Majesty King George III intituled “An Act for more effectually embanking, draining and otherwise improving the Island of Canvey in the County of Essex” as was not repealed by the first-mentioned Act are hereby repealed.

PART VII

SPECIAL PROVISIONS RELATING TO THE COMPANY

Cutting off
communica-
tion pipes to
prevent waste
of water.

46. Where any house, building or other premises are demolished or appear to the Company to be uninhabitable or, in the case of premises other than a house, remain unoccupied for a period not less than one month, and the Company have reason to think that waste of water is occurring or is likely to occur, they may

Notwithstanding anything in section 38 of the Act of 1945, cut off the communication pipe by which water was supplied to such house, building or other premises:

Provided that—

(1) in any case where the Company think that waste is likely to occur and for that reason propose to cut off a communication pipe by which water was supplied to any house, building or other premises which appear to them to be uninhabitable, or to premises which have remained unoccupied for the period aforesaid, they shall give notice of their intention to do so to the owner of the house, building or premises and if within one week of the receipt of such notice the owner satisfies the Company that reasonable steps are being taken to render habitable the house, building or premises, or that the premises will be occupied within a reasonable period, as the case may be, the Company shall not cut off the communication pipe but may take such other action as they may consider necessary to prevent waste of water;

the Company shall not exercise the powers of this section in relation to a communication pipe to which is connected a sprinkler system or other fire protection equipment dependent on pressure in a main without notice to the fire authority responsible under the Fire Services Act, 1947, for the area in which the premises are situated. 1947 c. 41.

In its application to the Company section 16 of the Act of Amendments shall have effect as if—
of section 16 of Act of 1945.

(a) in subsection (1), for the words “for the purpose of watering private gardens or washing private motor cars, of any water supplied by them and drawn through a hosepipe or similar apparatus”, there were substituted the words “for any or all of the following purposes, of any water supplied by them:—

(i) the watering by means of a hose or movable pipe or similar apparatus of any garden, open space, allotment or sports ground or sports area;

(ii) the washing of a private motor car by means of a hose or movable pipe or similar apparatus; and

(iii) an ornamental fountain or other similar ornamental purpose;” and

(b) in subsection (4), for the words “a hosepipe or similar apparatus”, there were substituted the words “a hose movable pipe or similar apparatus for the purposes specified in paragraphs (i) and (ii) of subsection (1) of this section or for the supply of water for an ornamental fountain or other similar ornamental purpose”.

PART VII
—cont.

Power for
Company to
require
information
as to
ownership
of land.

48.—(1) The Company may, for the purpose of enabling it to perform any of their functions under any enactment in force at the passing of this Act under which the Company are or may be authorised to acquire land compulsorily or to lay, execute other works on land, require—

- (i) the occupier, and any person having an interest in a land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest in that land, whether as freeholder, mortgagee, lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of that land; and
- (ii) any person who has sold or otherwise disposed, leased or let any land to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who, having been required by the Company under this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding ten pounds.

(3) For the purposes of this section—

“land” means any corporeal hereditament, including a building, and includes any interest in or right over land;

“interest” includes any legal estate or interest in land or any rentcharge issuing out of land.

PART VIII

MISCELLANEOUS AND GENERAL

Alteration of
limits of
Harwich
Harbour.

49.—(1) (a) As from the appointed day so much of the estuary of the river as is upstream of an imaginary line drawn between a point (reference point TM 0994 3258) on the crest of the sea wall on the side of the estuary in the administrative county of Essex and a point (reference point TM 1032 3296) on the crest of the sea wall on the side of the estuary in the administrative county of East Suffolk shall cease to be within the limits of jurisdiction of the Conservancy Board.

(b) As from the appointed day references in the Harwich Harbour Acts, 1864 to 1865, and in any byelaws or regulations made under those Acts or under any enactment incorporated therewith to the limits of jurisdiction of the Conservancy Board shall be construed and have effect as if they were references to those limits as altered by this section.

(a) As soon as reasonably practicable after the appointed day the Conservancy Board shall prepare a map of the limits of jurisdiction of the Conservancy Board as altered by subsection (1) of this section.

(b) Seven copies of the said map shall be made, certified by the clerk to the Conservancy Board and deposited as follows:—

The Board of Trade;

The Ministry of Transport;

The clerk of the administrative county of Essex;

The clerk of the administrative county of East Suffolk;

The town clerk of the county borough of Ipswich;

The town clerk of the borough of Harwich;

The clerk of the River Authority.

(c) The copies of the said map deposited with the clerks of the county councils, the town clerk of the borough of Harwich, the town clerk of the county borough of Ipswich shall be at the respective offices of the authorities and shall be open to inspection by members of the public at all reasonable times.

Any one copy of the map deposited in accordance with subsection (b) shall for the purposes of section 4 (Maps to be deposited and to be open to Inspection) of the Harwich Harbour Amendment Act, 1864, be deemed to be one of the four maps deposited in accordance with the said Act of 1864 and section 5 (Maps to be conclusive Evidence) of that Act shall apply accordingly. 1864 c. cii.

In this section "the appointed day" means such date as is specified in a notice in writing to be sent by the River Authority to the Conservancy Board not earlier than seven days before the date of commencement of the construction of Work No. 2 or Work No. 5 (whichever is the earlier) and the date so specified shall not be earlier than fourteen days after the date of the notice.

The River Authority may dismantle and remove the gates at both ends of the lock on the river at Brantham. Removal of lock gates at Brantham.

(1) It is hereby declared that the River Authority's works, to be constructed by the River Authority in the exercise of their new functions, are engineering or building operations and that in constructing those works and in the exercise of the other powers of this Act the River Authority have, in addition to the powers of this Act, all such powers as are conferred on them by the Act of 1963 in relation to engineering or building operations. Application and extension of Act of 1963.

PART VIII
—cont.

(2) The following provisions of the Act of 1963 so far as they are applicable for the purpose shall extend and apply to the exercise by the River Authority of the powers of this Act as if references in those provisions to the Act of 1963 were references to this Act:—

section 101 (Preservation of amenity and public rights of access);

section 130 (Provisions as to telegraphic lines).

(3) (a) Paragraph 7 of Schedule 8 to the Act of 1963 shall apply to the exercise by the River Authority of compulsory powers conferred by this Act as it applies to the exercise of compulsory powers conferred by an order under section 11 of the Act of 1963.

(b) The said paragraph 7 as so applied shall have effect as if

(i) for references therein to the order there were substituted references to this Act; and

(ii) for references to the coming into operation of the order there were substituted references to the passing of this Act.

Application of
section 145
of Local
Government
Act, 1933.
1933 c. 51.

52. The provisions of section 145 of the Local Government Act, 1933, shall apply with respect to the alteration of any course under the powers of the following sections of this Act:

section 5 (Power to River Authority to construct work)

section 7 (Subsidiary powers to River Authority);

1930 c. 44.

as if the alteration were done in the exercise of powers conferred by the Land Drainage Act, 1930.

For protection
of Postmaster
General.

53.—(1) Any electric cables or wires or means of electrical communication constructed and maintained under the provisions of this Act shall be so constructed, maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of such line.

(2) Any signal cable or means of electrical communication constructed, maintained and used under any of the provisions of this Act shall not be installed or worked in contravention of the provisions of the Wireless Telegraphy Acts, 1949 to 1959.

(3) The exercise of the powers of section 11 (Temporary stoppage of watercourses, highways, etc.) of this Act in relation to any highway or right of way shall not prejudice or affect the powers of the Postmaster General—

(a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him; under

upon, over, along or across the highway or right of way; or

PART VIII
—cont.

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open the highway or right of way.

The following provisions for the protection of the county council shall, except as otherwise agreed in writing between the River Authority and the county council, apply and have effect:—

For protection
of Essex
County
Council.

(1) In this section—

“the bridge” means the bridge carrying the county road A.137 over the south channel of the river and includes the road thereon, the approaches thereto and the embankments on which the approaches are carried;

“the county council” means the county council of Essex;

“specified works” means any of the Company’s works or of the River Authority’s works if its construction affects any road, bridleway, footpath, bridge or culvert vested in the county council, but does not include undertakers’ works (as defined in the Public Utilities Street Works Act, 1950) executed in a street.

(a) The River Authority shall not except for the purposes of the construction of the Cattawade barrage acquire compulsorily under the powers of this Act any part of any lands vested in the county council but the River Authority may in accordance with the provisions of section 21 (Power to acquire easements only) of this Act acquire compulsorily for any other purpose such easements and rights in any of such lands described in the deposited book of reference as they may reasonably require for the purposes of the River Authority’s works;

(b) The River Authority shall not acquire so much of the property numbered 12 in the parish of Lawford in the rural district of Tendring shown on the deposited plans and described in the deposited book of reference as is coloured pink on the signed plan:

(c) Before commencing to construct a specified work the appropriate authority shall submit to the county council for their reasonable approval such plans, sections and particulars (including except in the case of Work No. 11 and all necessary works and conveniences connected

PART VIII
—cont.

- therewith the details of construction and method of construction) of the proposed work as the county council may reasonably require;
- (b) If the county council do not within twenty days after receipt of such plans, sections and particulars give notice in writing to the appropriate authority signifying their disapproval thereof, they shall be deemed to have approved thereof;
- (c) A specified work shall be constructed in accordance with such plans, sections and particulars as may be approved (or are deemed to be approved) or, if the county council have signified their disapproval thereof, as may be settled by arbitration;
- (d) The appropriate authority shall give reasonable notice to the county council of the time at which the construction of such work is intended to be commenced;
- (e) A specified work when commenced shall be carried out with all reasonable dispatch and to the reasonable satisfaction of the surveyor to the county council; and the appropriate authority shall at all reasonable times afford to the said surveyor access to such work for the purpose of inspection;
- (f) The River Authority shall, during the construction of a specified work and until the completion thereof, make and carry into effect such arrangements for the lighting and watching the same (including the provision and working of traffic signs, light signals or manually operated stop-go signs) as may in the opinion of the county council be reasonably necessary to control the traffic and to prevent danger or accident to persons or vehicles using the highway;
- (4) (a) The River Authority shall repay to the county council all expenses reasonably incurred by the county council in or about the repair of any damage to the bridge which may be caused by—
- (i) the construction, operation or failure of River Authority's works; or
 - (ii) the exercise by the River Authority of powers conferred by section 9 (Power of River Authority to dredge) of this Act;
- (b) If it is agreed between the River Authority and the county council or in default of agreement determined by arbitration that for the purpose of avoiding any damage to the bridge, as is referred to in the foregoing paragraph, it is necessary to construct protective works to the bridge or in the river, such works shall be carried out.

out by the River Authority or the county council as may be agreed between them or in default of agreement as may be determined by arbitration and if the works are carried out by the county council the reasonable expenses so incurred by the county council shall be repaid by the River Authority but nothing in this paragraph shall authorise the county council to carry out any such works to which section 31 of the Land Drainage Act, 1961, 1961 c. 48. applies except in accordance with the provisions of that section:

(5) The River Authority shall save harmless and indemnify the county council against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by the county council by reason or in consequence of any damage to the bridge which may be caused by the construction, operation or failure of the River Authority's works:

Provided that the county council shall give to the River Authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the River Authority:

Any difference which may arise between the appropriate authority and the county council under this section shall be determined by arbitration.

For the protection of the Conservancy Board the following provisions shall unless otherwise agreed in writing between the River Authority and the Conservancy Board apply and have effect: For protection of Conservancy Board.

(1) In this section the expression "the protected estuary" means so much of the estuary of the river as lies within the limits for the time being of jurisdiction of the Conservancy Board and as lies upstream of an imaginary line drawn between reference points TM 1400 3314 and TM 1400 3173:

(2) The River Authority shall not commence to construct the Cattawade barrage until the condition of the protected estuary has been determined by an agreed survey carried out jointly by the River Authority and the Conservancy Board. The cost of such survey shall be paid by the River Authority:

(3) The River Authority shall be responsible for carrying out such works or other measures (hereinafter in this section referred to as "remedial works") as are reasonably

PART VIII
—cont.

necessary to make good any deterioration of the navigability of the protected estuary which it is a between the River Authority and the Conservancy, or in default of agreement determined by arbitration have been caused by the construction, existence, operation or failure of the Cattawade barrage and shall effectively indemnify and hold harmless the Conservancy Board from and against all claims and demands in respect of such deterioration other than deterioration which should have been rectified by remedial work carried out by the Conservancy Board under subsection (6) of this section:

Provided that the Conservancy Board shall give the River Authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the consent of the River Authority:

- (4) Not less than six weeks before commencing to carry out any remedial works or to exercise any other power under section 9 (Power to River Authority to dredge) of this Act (hereafter in this section referred to as "dredging works") the River Authority shall submit to the Conservancy Board for their reasonable approval sufficient particulars of those remedial works or dredging works (as the case may be) and shall give notice of the date of commencement, and the Conservancy Board may either approve (with or without modifications) or disapprove the intended works:

Provided that if within five weeks after particulars of the remedial works or the dredging works have been submitted to the Conservancy Board they have been approved or disapproved the intended works shall be deemed to have approved thereof:

- (5) No remedial works or dredging works (as the case may be) shall be carried out by the River Authority unless they have been approved or deemed to have been approved by the Conservancy Board or as have been determined by arbitration and the said works shall be carried out to the reasonable approval and under the supervision (if given) of the Conservancy Board:
- (6) (a) Upon signifying their approval or disapproval of any remedial works the Conservancy Board may give notice on the River Authority that they desire to carry out the works and in that event the works shall be carried out by the Conservancy Board and not by the River Authority;

(b) Subsections (4) and (5) of this section shall mutatis mutandis apply to any remedial works in respect of which such a notice has been served:

(7) The River Authority shall pay to the Conservancy Board the reasonable expenses incurred by the Conservancy Board in carrying out any remedial works in respect of which notice has been given under paragraph (a) of the last foregoing subsection and in respect of which the Conservancy Board have complied with the requirements of subsections (4) and (5) of this section as applied by paragraph (b) of the last foregoing subsection:

Any difference which may arise between the River Authority and the Conservancy Board under this section shall be referred to and determined by arbitration.

For the protection of the British Railways Board (in this section referred to as "the board") the following provisions shall otherwise agreed in writing between the River Authority and the board apply and have effect:—

For protection
of British
Railways
Board.

In this section—

"the railway" means any railway of the board and any works connected therewith for the maintenance or operation of which the board are responsible and includes any lands held or used by the board for the purposes of such railway or works;

"the works" means so much of Work No. 1 and of any work in connection therewith authorised by section 7 (Subsidiary powers to River Authority) of this Act as may be situated upon, across, under or over or may in any way affect the railway and includes the construction, maintenance and renewal of such works;

"the engineer" means an engineer to be appointed by the board;

"plans" includes sections, drawings and specifications;

The River Authority shall not under the powers of this Act acquire compulsorily any lands of the board but they may in accordance with the provisions of section 21 (Power to acquire easements only) of this Act acquire such easements and rights in the lands of the board delineated on the deposited plans as they may reasonably require for the purposes of the works:

PART VIII
—cont.

- (3) The River Authority shall before commencing the works (other than works of maintenance or repair) furnish to the board proper and sufficient plans thereof for the approval of the engineer and shall not commence the works until such plans have been approved in writing by the engineer or, in case of difference between engineer and the River Authority, until they have been settled by arbitration:
- Provided that—
- (a) the approval of the engineer shall not be unreasonably withheld;
- (b) if within twenty-eight days after such plans have been furnished to the board the engineer shall not have intimated his disapproval thereof and if grounds of his disapproval he shall be deemed to have approved them:
- (4) Upon signifying his approval or disapproval of the plans the engineer may specify any protective works, whether temporary or permanent which in his opinion should be carried out before the commencement of the works to ensure the safety or stability of the railway and such protective works as may be reasonably necessary for those purposes shall be constructed by the board at all reasonable dispatch and the River Authority shall not commence the construction of the works until the engineer shall have notified the River Authority that the protective works have been completed:
- (5) The River Authority shall give to the engineer twenty-eight days' notice of their intention to commence the construction of any of the works and except in emergency (when they shall give such notice as may be reasonably practicable) also of their intention to carry out any work for the repair or maintenance of the works:
- (6) The works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such a manner as to cause as little damage to the railway as may be and so far as is reasonably practicable to avoid to interfere with or obstruct the free, uninterrupted and safe user of the railway or the traffic thereon and liability by passengers of the railway and if any damage is caused by the construction of the works the River Authority shall notwithstanding any such approval as aforesaid make good such damage and shall on demand

pay to the board the reasonable expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage, interference or obstruction:

The River Authority shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

8) The board shall at all times afford reasonable facilities to the River Authority and their agents for access to any works carried out by the board under this section during their construction and shall supply the River Authority with such information as they may reasonably require with regard to such works or the method of construction thereof:

any alterations or additions either permanent or temporary to the railway shall be reasonably necessary during the construction of the works or during a period of twelve months after completion thereof in consequence of the construction of the works such alterations and additions may be effected by the board after notice has been given to the River Authority and the River Authority shall pay to the board on demand the reasonable cost thereof including in respect of permanent alterations and additions a capitalised sum representing the increased or additional cost of maintaining, working and when necessary renewing any such alterations or additions:

Provided that if the cost of maintaining, working or renewing the railway is reduced in consequence of any such alterations or additions a capitalised sum representing such saving may be set off against any sum payable by the River Authority to the board under this section:

9) The River Authority shall repay to the board all costs, charges and expenses reasonably incurred by the board:

(a) in constructing any protective works under the provisions of paragraph (4) of this section including in respect of any permanent protective works a capitalised sum representing the cost of maintaining and renewing such works;

(b) in respect of the employment of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting,

PART VIII
—cont.

watching, lighting and signalling the railway, preventing as far as may be all interference, obstruction, danger or accident arising from the construction, maintenance, repair or failure of the works;

(c) in respect of any special traffic working resulting from any speed restrictions which are necessary as a result of the construction, maintenance, repair or failure of the works and which may in the opinion of the engineer be required to be imposed or from the substitution or diversion of services which may be necessary for the same reason;

(d) in respect of any additional temporary lighting of the railway in the vicinity of the works being lighted made reasonably necessary as a result of the works or the failure thereof;

(e) in respect of the supervision by the engineer of the works:

(11) If at any time after the completion of the works being works vested in the board, the board shall give notice to the River Authority informing them of the state of repair of the works appears to be such as to affect prejudicially the railway, the River Authority shall, within twenty-eight days of the receipt of such notice, take such steps (if any) as may be reasonable and necessary to put the works in such state of repair as not to affect prejudicially the railway and, if and where the River Authority fail to do so, the board may make and do in and upon the lands of the board or of the River Authority all such works and things as may be requisite to put the works in such state of repair as aforesaid and the costs and expenses reasonably incurred by the board in so doing shall be repaid to them by the River Authority:

(12) The River Authority shall be responsible for and to the board all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to or reasonably incurred by the board—

(a) by reason of the works or the failure thereof

(b) by reason of any act or omission of the River Authority or of any persons in their employment or their contractors or others whilst engaged in the works;

and the River Authority shall effectively indemnify and hold harmless the board from and against all claims

and demands arising out of or in connection with the works or any such failure, act or omission as aforesaid and the fact that any act or thing may have been done by the board on behalf of the River Authority or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under supervision shall not (if it was done without negligence on the part of the board or of any person in their employ or of their contractors or agents) excuse the River Authority from any liability under the provisions of this section:

Provided that the board shall give to the River Authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the River Authority:

Any difference arising between the River Authority and the board under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

For the protection of the undertakers the provisions of section 10 shall, unless otherwise agreed in writing between the appropriate authority and the undertakers, apply and have effect as if they were contained in this Act.

In this section unless the subject or context otherwise requires—

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882 c. 56.) belonging to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus;

“in” in a context referring to apparatus or alternative apparatus includes under, over, across, along or upon;

“operational land” means any land in which the undertakers hold an interest for the purposes of their undertaking;

“plan” includes a section and description;

“position” includes depth;

“specified work” means any work or thing done under the powers conferred by this Act;

PART VIII
—cont.

“ the undertakers ” means the Central Electric Generating Board and the Eastern Electricity Board or either of them, as the case may be:

- (2) Notwithstanding anything in this Act or shown on or deposited plans, the appropriate authority, under the powers of this Act, acquire any apparatus or operational land otherwise than by agreement;
- (3) The River Authority shall not under the power subsection (1) (i) of section 7 (Subsidiary power River Authority) of this Act alter any apparatus except in accordance with the provisions of this section;
- (4) If the appropriate authority in the exercise of the power of this Act acquire any interest in any land in which any apparatus is placed that apparatus shall not be removed nor shall any right of the undertakers to use, maintain, repair, renew or inspect any apparatus in that land be extinguished until adequate alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers;
- (5) (a) If the appropriate authority for the purpose of the execution of any specified work require the removal of any apparatus, they shall give to the undertakers written notice of such requirement with a plan and section of proposed work;
- (b) If the appropriate authority require the undertaker to remove any apparatus, or if in consequence of the execution of any specified work the undertaker reasonably require to remove any apparatus, the appropriate authority shall if practicable afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in or on land of the appropriate authority and thereafter for the maintenance, repair, renewal and inspection of that apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other land of the appropriate authority and that authority is unable to afford such facilities and rights as are specified in the lands in which the alternative apparatus or any part thereof is to be constructed the undertaker on receipt of a written notice to that effect from the appropriate authority, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (6) (a) Any alternative apparatus to be constructed in or on land of the appropriate authority in pursuance of paragraph

of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the appropriate authority or, in default of agreement, settled by arbitration;

PART VIII
—cont.

The undertakers shall, after the manner of construction and the line and situation of any alternative apparatus has been agreed or settled by arbitration as aforesaid, and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (5) of this section, proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the appropriate authority to be removed under the provisions of this section and, in default, the appropriate authority may remove the apparatus:

Notwithstanding anything in paragraph (6) of this section, if the appropriate authority give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the appropriate authority, such work, in lieu of being executed by the undertakers, shall be executed by the appropriate authority with all reasonable dispatch under the superintendence, if given, and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the appropriate authority to execute the actual placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or any filling around the apparatus (where the apparatus is laid in a trench) within 12 inches above the apparatus:

Where in accordance with the provisions of this section the appropriate authority afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the appropriate authority of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the appropriate authority and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be

PART VIII
—cont.

constructed across or through a specified work, the arbitrator shall—

(i) give effect to all reasonable requirements of the appropriate authority for ensuring the safe and efficient operation of the specified work for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular case give effect to any terms and conditions applicable to the apparatus constructed through the lands of the appropriate authority for which the alternative apparatus is to be substituted:

(b) if the facilities and rights to be afforded by the appropriate authority in respect of any alternative apparatus and the terms and conditions which the same are to be granted are, in the opinion of the arbitrator, more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation to or by the appropriate authority by or to the undertakers in respect thereof as appears to him to be reasonable having regard to all the circumstances of the particular case:

(9) (a) Not less than twenty-eight days before commencing to execute any specified work which is near to or is likely to affect any apparatus the removal of which has not been required by the appropriate authority under paragraph (5) of this section, the appropriate authority shall submit to the undertakers a plan of the work to be executed;

(b) Such work shall be executed only in accordance with the plan submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that—

(i) if the undertakers within fourteen days after the submission to them of any such plan shall, in consequence of the work proposed by the appropriate authority, reasonably require the removal of any apparatus and give written notice to the appropriate

authority of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the appropriate authority under paragraph (5) thereof;

(ii) nothing in this sub-paragraph shall preclude the appropriate authority from submitting at any time, or from time to time, but in no case less than twenty-eight days before commencing the execution of any such work a new plan in lieu of the plan previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan:

(c) The appropriate authority shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but, in such a case, they shall give to the undertakers notice as soon as reasonably practicable and a plan of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

(iv) Notwithstanding the stopping up of the old road under the powers of section 8 (Stopping up of road) of this Act, the undertakers shall continue to have the same powers and rights in respect of any apparatus remaining in the land which by reason of the stopping up has ceased to be a road as they would have had if it had remained a road and no such rights shall be extinguished by virtue of the said section 8 but nothing in this paragraph shall prejudice or affect any right of the appropriate authority, or of the undertakers, to require the removal of such apparatus under this section:

(v) No materials dredged up or removed under the powers of section 9 (Power to River Authority to dredge) of this Act shall be laid down or deposited in such a place or manner as to cover any apparatus or in any way obstruct or impede any work of or connected with the inspection or repair of any apparatus:

(vi) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the appropriate authority shall provide an alternative means of access to such apparatus:

The appropriate authority shall repay to the undertakers the reasonable costs, charges and expenses incurred by the undertakers in or in connection with—

(a) the removal and relaying or replacing, alteration or protection of any apparatus or the provision and

PART VIII
—cont.

1950 c. 39.

construction of any new apparatus under any of the provisions of this section;

(b) the cutting off of any apparatus from any other apparatus; and

(c) any other work or thing rendered reasonable, necessary in consequence of the exercise by appropriate authority of any of the powers of this Act:

Provided that subsections (3) and (4) of section 2 of the Public Utilities Street Works Act, 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the appropriate authority under this paragraph as if the appropriate authority were a promoting authority and works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary" there were substituted the words "specified as so necessary or as specified in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the appropriate authority" there were substituted the words "agreed or settled by arbitration under section 10 of the Public Utilities Act, 1950" (For protection of electricity undertakers) of the Essex River and South Essex Water Act 1969:

(14) If by reason or in consequence of the execution, use or failure of any specified work or any subsidence resulting from any such work any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of such work) of the undertakers or any interruption in the supply of electricity by the undertakers shall be caused, the appropriate authority shall bear and pay the cost reasonably incurred by the undertakers in making good such damage or in restoring the supply of electricity, and shall

(a) make reasonable compensation to the undertakers for any loss sustained by them; and

(b) indemnify the undertakers against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from the undertakers or incurred by the undertakers;

by reason or in consequence of any such damage or interruption:

Provided that—

(i) nothing in this paragraph shall impose liability on the appropriate authority with respect to

any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of the undertakers or their contractors or workmen:

(ii) the undertakers shall give to the appropriate authority reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the appropriate authority:

(15) The temporary stopping up or diversion of any highway or private right of way under the powers of section 11 (Temporary stoppage of watercourses, highways, etc.) of this Act shall not prejudice or affect any right of the undertakers—

(a) to lay, erect, maintain, inspect, repair, renew or remove any apparatus in the highway or private right of way; or

(b) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway or private right of way:

(16) The foregoing provisions of this section shall have effect in lieu of the provisions of section 26 of the Public Utilities Street Works Act, 1950, in so far as such provisions would otherwise have effect as regards any specified work in relation to apparatus: 1950 c. 39.

(17) (a) Any difference which may arise between the appropriate authority and the undertakers under this section shall be determined by arbitration;

(b) In settling any difference under this section the arbitrator may, if he thinks fit, require the appropriate authority to execute any temporary or other works so as to avoid, so far as may be reasonably possible, interference with the use of any apparatus.

The exercise by the River Authority of the powers contained in section (1) of section 8 (Stopping up of road) and sub-section (1) of section 11 (Temporary stoppage of watercourses, ways, etc.) of this Act shall not prejudice or affect any right of the Eastern Gas Board—

For protection
of the
Eastern Gas
Board.

to lay, maintain, inspect, repair, renew or remove any pipes or other apparatus belonging to or used by the board which may for the time being be under, in, upon, over, along or across the road referred to in the said section 8 or any watercourse or highway referred to in the said section 11; or

PART VIII
—cont.

(b) for the purpose of such laying, maintenance, inspection, repair, renewal or removal to enter upon or break open the road referred to in the said section 8 or any water-course or highway referred to in the said section.

Crown rights.

59.—(1) Nothing in this Act shall authorise the appropriate authority to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

(2) Nothing in this Act shall authorise the appropriate authority to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department and the appropriate authority shall comply with such conditions as the government department may prescribe in giving such consent.

(3) Nothing in this section shall prejudice or affect any statutory powers of the appropriate authority:

1950 c. 39.

(a) to carry out code-regulated works within the meaning of the Public Utilities Street Works Act, 1950, in any highway vested in, or maintained by, the Minister of Transport; or

1878 c. 76.

(b) to carry out any works by reason only that such works involve, or are likely to involve, an alteration in a telegraphic line of the Postmaster General in relation to which paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878, apply.

Town and
country
planning.

60.—(1) The provisions of the Town and Country Planning Acts, 1962 to 1968, and any restrictions or powers thereunder imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

1962 c. 38.

(2) The provisions of any general development order made under section 14 of the Town and Country Planning Act, 1962, granting planning permission for development authorised by any local or private Act of Parliament shall not apply to any works comprised in the River Authority's works or in the works of any Commission or other authority if in the case of the first-mentioned works the barrage is not begun before the expiration of five years after the date of the coming into force of the order.

31st December, 1969, and in the case of the Company's works
No. 10 is not begun before the expiration of ten years
from that date.

PART VIII
—cont.

(3) Such of the works authorised by subsection (1) of section 7
(subsidiary powers to River Authority) of this Act as are not
carried out within twelve months of the completion of the River
Authority's works shall not be deemed for the purposes of any
development order made under section 14 of the Town and
Country Planning Act, 1962, to be development authorised by 1962 c. 38.
any local or private Act of Parliament which designates specifically
both the nature of the development thereby authorised and the
land upon which it may be carried out.

(1) The costs, charges and expenses preliminary to, and
and incidental to, the applying for and the preparing, obtaining
and passing of this Act shall be paid by the River Authority and
Company in such proportions as may be agreed between
Costs of Act.

(2) The amount so payable by the River Authority shall be
paid out of moneys to be borrowed for that purpose or out of
any moneys in their hands and the amount so payable by the
Company may in whole or in part be charged against revenue

SCHEDULES

Section 4.

SCHEDULE 1

PROVISIONS OF THE THIRD SCHEDULE APPLIED

PART I

PROVISIONS APPLIED TO THE RIVER AUTHORITY

| Provisions applied (1) | Modifications (2) |
|---|--|
| Section 2 (Permissible limits of deviation) | For the words "the plans submitted to the Minister" there shall be substituted the words "the deposited plans" and for the words "the said plans" wherever they occur there shall be substituted the words "deposited sections". |
| Section 6 (Penalty for obstruction of works) | --- |
| Section 83 (Penalty for obstructing execution of special Act) | --- |
| Section 85 (Summary proceedings for offences) | --- |
| Section 91 (Mode of reference to arbitration) | --- |
| Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers) | --- |

PART II

PROVISIONS APPLIED TO THE COMPANY

| Provisions applied (1) | Modifications (2) |
|--|--|
| Part II (Works and Lands) (except sections 7 to 9) | <p>In section 2 for the words "submitted to the Minister" shall be substituted the words "deposited plans" and for the words "said plans" wherever they occur there shall be substituted the words "the deposited sections".</p> <p>In section 4 the words from the beginning of the section to the words "abstract water" shall be omitted.</p> |

SCH. 1
—cont.

| Provisions applied (1) | Modifications (2) |
|---|---|
| Part IV (Minerals underlying Waterworks) | for the words "any land for the time being held by them in connection with their water undertaking" there shall be substituted the words "the lands delineated on the deposited plans within the limits of land which may be acquired for the authorised works or for access"; and after the word "buildings" there shall be inserted the words "roads, means of access, means of electrical communication, embankments, fences, piers, bridges". |
| Part XVI (General and Miscellaneous) (except sections 79 to 81) | In section 12 for the words "after this section is incorporated with these enactments" there shall be substituted the words "under the special Act"; for the words "all existing pipes or other conduits for the collection, passage, or distribution of water and underground works belonging to them" shall be substituted the words "all such pipes or other conduits or underground works" and the words "for the time being belonging to them" shall be omitted. |

SCHEDULE 2

Section 4.

AREAS IN RESPECT OF WHICH POSSESSION CAN BE TAKEN AFTER NOTICE TO TREAT ON GIVING NOT LESS THAN FOURTEEN DAYS' NOTICE

| Area (1) | No. on deposited plans (2) |
|--|---|
| County of Essex— the parish of Lawford in the rural district of Tendring | 2, 12, 13, 14, 15. |
| County of East Suffolk— the parish of Brantham in the rural district of Samford | 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31. |