

1976 No. 974

WATER, ENGLAND AND WALES

The Tendring Hundred Water Order 1976

Made - - - - 21st June 1976

Coming into Operation 22nd June 1976

The Secretary of State for the Environment, in exercise of powers conferred by section 32 of the Water Act 1945(a) and now vested in him (b), and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Tendring Hundred Water Order 1976 and shall come into operation on 22nd June 1976. Citation and commencement.

(2) The Tendring Hundred Water Acts and Orders 1884 to 1975 and this order may be cited together as the Tendring Hundred Water Acts and Orders 1884 to 1976.

2. In this order—

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

“the undertaking” means the undertaking of the Tendring Hundred Waterworks Company as for the time being authorised by any enactment. Interpretation.

3.—(1) Section 55 of the Third Schedule shall apply to the undertaking subject to the modifications contained in subsections (2) and (3) of this section. Application of section 55 of Third Schedule.

(2) For subsection (1) of the said section 55 there shall be substituted—

“(1) For water supplied for domestic purposes, the undertakers may, in respect of a water rate the poundage of which is fixed for any period of twelve months, demand payment of rates in advance by equal quarterly instalments on the first day of January, the first day of April, the first day of July and the first day of October in each year or, if the directors of the undertakers so resolve, by equal half-yearly payments on that one of those dates which is the first day of the rate period and the first day of the seventh month comprised in that period:

Provided that notwithstanding the foregoing provisions of this subsection the undertakers may make a water rate by fixing a rate poundage in respect of the period of nine months commencing on 1st July 1976 and, subject to the provisions of this section, may in respect of that period demand payment of rates in advance as to six months of the period by an instalment on 1st July 1976 and as to the remainder of the period by an instalment on 1st January 1977.”

(a) 1945 c. 42.

(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347; 1970 III, p. 5551).

(3) At the end of subsection (3) of the said section 55 there shall be inserted—

“Provided further that, if and so long as water rates demanded in accordance with the proviso to subsection (1) of this section are payable by instalments as therein provided—

(a) no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the period in respect of which it has been demanded; and

(b) if the person who is, or who, but for the provision of the last foregoing section, would be liable to pay the water rate payable in respect of any premises is in occupation of those premises for part only of the period in respect of which the water rate is made, he, or as the case may be, the owner of the premises shall be liable to pay such part only of the total amount of the water rate as the number of days during which he is in occupation bears to the total number of days in the said period, and if any greater proportion of the water rate has been paid, the person by whom it was paid shall be entitled to recover the excess from the undertakers, except insofar as he has previously recovered it from an incoming occupier:

Provided that nothing in this paragraph shall exempt the owner of any premises from liability in respect of any subsequent portion of the period in respect of which the water rate is made during which the premises may again become occupied.”

(4) Section 3 of the Tendring Hundred Water Order 1953(a) is hereby revoked.

Keeping and
deposit of
order.

4. Section 94 of the Third Schedule (which requires undertakers to keep a copy of the special Act at their principal office and to deposit copies with certain officers) shall, in respect of this order, apply to the undertaking.

Signed by authority of
the Secretary of State
21st June 1976.

A. G. Semple,
An Under Secretary in the
Department of the Environment.

(a) S.I. 1953/1813.