

[13 & 14 GEO. 5.] *Chelmsford Corporation*  
*Water Act, 1923.*

[Ch. xci.]



## CHAPTER xci.

An Act to empower the mayor aldermen and burgesses of the borough of Chelmsford to construct additional waterworks to confer further powers upon them in regard to their water undertaking and for other purposes.

A.D. 1923.

[2nd August 1923.]

**W**HEREAS the borough of Chelmsford in the county of Essex (in this Act called "the borough") is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") and the Corporation acting by the council of the borough are the sanitary authority for the borough with the powers and obligations of an urban sanitary authority :

And whereas the Corporation are the owners of waterworks for supplying and are supplying water within the borough under the provisions of the Public Health Act 1875 :

And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the present and growing demands of the inhabitants of the borough and it is expedient that the Corporation should be empowered to make and maintain the additional waterworks authorised by this Act :

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

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

[Price 2s. 9d. Net.] A

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— And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

For the purchase of lands and easements	£
for and for the construction of the water-works authorised by this Act - - -	66,000
For new mains extensions of mains and other waterworks purposes - - -	10,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Essex which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

PRELIMINARY.

Short title.

1. This Act may be cited as the Chelmsford Corporation Water Act 1923.

Incorporation of Acts.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :—

(1) The Lands Clauses Acts with the following exception and modification :—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of

superfluous lands) is not incorporated with this Act; A.D. 1923.

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section:

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the following matters (that is to say):—

The construction of the waterworks;  
Mines;

The breaking up of streets for the purpose of laying pipes;

The provision for guarding against fouling the water of the undertakers:

(3) The provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers:

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks authorised by this Act and "the centre of the railway" means in the case of the reservoir (Work No. 2) authorised by this Act the boundaries of such reservoir and in the case of the other waterworks the centre of such waterworks respectively.

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

(2) In this Act unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Chelmsford;

"The borough" means the borough of Chelmsford;

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“The town clerk” and “the treasurer” mean respectively the town clerk and the treasurer of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the borough;

“The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“The point of intake” means the intake on or near to the bank of the River Chelmer at the commencement of the line or lines of pipes (Work No. 1) authorised by this Act;

“The water limits” means the limits within which the Corporation are for the time being empowered to supply water;

“The company” means the company of proprietors of the Chelmer and Blackwater Navigation Limited;

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

“The rural district council” means the rural district council of Chelmsford;

“Daily penalty” means a penalty for each day on which an offence is continued by a person after conviction;

“The Act of 1915” means the Chelmsford Corporation Gas Act 1915;

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

(3) In the construction of the provisions of the Lands Clauses Acts and of the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act the expressions “the promoters of the undertaking” and “the undertakers” mean respectively the Corporation.

LANDS AND WATERWORKS.

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4. Subject to the provisions of this Act and for the purposes of their water undertaking the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to  
take lands.

5. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for  
compulsory  
purchase  
of lands.

6.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

Extinction  
of private  
rights of  
way.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

7. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the seventeenth day of November nineteen hundred and twenty-two if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensa-  
tion in case  
of recently  
acquired  
interest.

8.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks authorised by this Act (including the works and conveniences authorised by subsection (2) of the section of this Act whereof the marginal note is "Power to make waterworks") where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access

Acquisition  
of ease-  
ments.

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A.D. 1923. — to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall be subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they shall have given notice to treat for an easement or right or to impose any such restriction only.

(4) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

Purchase of  
additional  
lands by  
agreement.

9.—(1) Subject to the provisions of this Act the Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act or of their water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres and the Corporation may on all or any of such additional lands execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water)

and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

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(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

**10.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons under disability may grant easements &c.

**11.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other local Act for the time being in force in the borough and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to retain sell &c. lands.

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Proceeds of  
sale of sur-  
plus lands.

**12.**—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on re-sale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or under any other powers and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

(a) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;

(b) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Corporation under the section of this Act of which the marginal note is "Power to retain sell &c. lands" on the re-sale or exchange of or by leasing any lands acquired under any local Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

Dwelling-  
houses for  
persons  
employed  
by Corpo-  
ration.

**13.** The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking.



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14. The Corporation on selling any lands acquired by them in connection with their water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

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Reservation  
of water  
rights &c.  
on sale.

15.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described.

Power to  
make water-  
works;

The said works will be situate in the county of Essex and are—

Work No. 1 A line or lines of pipes with intake from the River Chelmer in the parish of Springfield commencing in the Mill Race to Sandford Mill and terminating at the reservoir (Work No. 2) authorised by this Act:

Work No. 2 A reservoir in the said parish of Springfield in the enclosures numbered 394 and 395 on the  $\frac{1}{2500}$  Ordnance map of the county of Essex (new series) sheet No. N. LIV-16 (edition of 1922):

Work No. 3 A line or lines of pipes in the said parish of Springfield commencing at the said reservoir (Work No. 2) and terminating at the pumping station (Work No. 4) authorised by this Act:

Work No. 4 A pumping station (to be called "the Sandford Mill Pumping Station") with filtration plant and other works to be situate in the said parish of Springfield on the site of the existing building known as Sandford Mill:

Work No. 5 A line or lines of pipes to be situate in the said parish of Springfield the parish of Great

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Baddow and the borough commencing in the Sandford Mill Pumping Station and terminating in the Longstumps Service Reservoir of the Corporation.

(2) The Corporation may upon the said lands make and maintain all such works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Act or for inspecting maintaining repairing cleansing managing working or using the same :

Provided that—

- (a) Nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them ;
- (b) Any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General.

Limits of deviation.

**16.** In the construction of the works authorised by this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate from the levels shown on the deposited sections to any extent . Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown upon the deposited sections and three feet in addition thereto and that except for the purpose of crossing over a stream no part of the line of pipes shall be raised above the surface of the ground unless and except so far as is shown upon the deposited sections.

Period for completion of works.

**17.** If the works authorised by this Part of this Act and delineated on the deposited plans and sections are not completed within a period of ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed . Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant and in the

case of the lines of pipes authorised by this Act lay down additional lines of pipes within the limits of deviation shown on the deposited plans as and when occasion may require.

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**18.**—(1) The Corporation during the execution of the powers of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those *bonâ fide* going to or returning from any house in the street from passing along and using the same.

Temporary  
stoppage of  
streets.

(2) The Corporation shall provide reasonable access for foot passengers *bonâ fide* going to or returning from any such house.

(3) The Corporation shall at all times in exercising any of the powers conferred upon them by this section maintain a reasonably sufficient access both for vehicular and pedestrian traffic to and from the stations and depôts of the London and North Eastern Railway Company.

**19.**—(1) Subject to the provisions of this Act the Corporation may abstract collect and divert the waters of the River Chelmer at the point of intake by means of Work No. 1 authorised by this Act and may appropriate distribute and use the same for the purposes of their water undertaking.

Power to  
take waters.

(2) The Corporation may also collect impound take use divert and appropriate for the purposes of their waterworks all such underground springs and waters as will or may be intercepted by Work No. 2 authorised by this Act but the Corporation shall not collect impound take use divert or appropriate for the purposes of their waterworks any waters which may be intercepted by Work No. 5 authorised by this Act.

**20.**—(1) The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Limiting  
powers of  
the Corpo-  
ration to  
abstract  
water.

(2) For the purposes of this section the existing waterworks of the Corporation shall be deemed to be

A.D. 1923. — works authorised by this Act and the lands upon which those works are constructed shall be deemed to be specified in this Act.

(3)—(a) The Corporation shall not in any period of twenty-one days pump by means of Work No. 4 authorised by this Act a total quantity of water which will exceed in such period an average of one million gallons per day of twenty-four hours.

(b) The water so pumped by the Corporation shall be measured by means of a proper and suitable positive recording apparatus which shall be erected and maintained by the Corporation to the reasonable satisfaction of the company and such apparatus and the records thereof shall be open to the inspection and examination of the company the rural district council and the medical officer of health of the county of Essex or any other person duly authorised in that behalf by the county council who shall respectively be entitled to take copies of such records free of charge.

Provisions  
as to puri-  
fication of  
water.

**21.**—(1) The Corporation shall before supplying any water abstracted collected or diverted from the River Chelmer so treat any such water which is to be used for domestic purposes as to make it comply with such standard of purity as may from time to time be prescribed by the Minister of Health.

(2) Except so far as the Minister of Health may otherwise permit all such water shall be efficiently chlorinated to the satisfaction of the Minister of Health.

(3) The Corporation shall appoint and keep appointed a duly qualified chemist and bacteriologist who shall be in constant control of the treatment and examination of all water so abstracted collected or diverted which is to be used for domestic purposes. He shall carry out such tests and analyses for the Corporation as may be necessary for an efficient control of the quality of the water and records of all such tests and analyses made by him shall be furnished by him to and shall be retained by the Corporation for a period of one year and copies of the results of such tests and analyses shall on request made within such period be supplied to the Minister of Health and the county council together with such other information relating to the water supply of the Corporation as may be required by them respectively.

22. Notwithstanding anything in this Act contained the following provisions shall apply and have effect for the protection of the company unless otherwise agreed in writing between the Corporation and the company (that is to say):—

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For protec-  
tion of  
Chelmer and  
Blackwater  
Navigation.

(1) Twenty-one days before the Corporation commence the construction of Work No. 1 by this Act authorised or the execution of any work affecting the navigation of the company the Corporation shall submit to the company for their reasonable approval plans sections and other necessary particulars of the work and the Corporation shall not interfere with the navigation or commence any such work until they shall have given to the company three clear days' notice in writing of their intention so to do and such notice shall not be given until the said plans sections and particulars have been approved by the company or in the event of difference settled by arbitration as hereinafter provided All such works as aforesaid shall be carried out in accordance with the plans sections and particulars so approved or settled and to the reasonable satisfaction of the company and under the superintendence of their engineer if such superintendence is given The Corporation shall if for the time being the company are not employing a salaried engineer on demand pay to the company all costs and expenses reasonably incurred by them in examining the said plans sections and particulars and in superintending the carrying out of the works authorised by this Act:

(2)—(a) If the Corporation shall contravene any of the provisions of the section of this Act of which the marginal note is "Limiting powers of the Corporation to abstract water" which limit the quantity of water to be pumped by means of Work No. 4 they shall be liable on conviction on information laid by or on behalf of the company to a penalty not exceeding fifty pounds for every period of twenty-one days in which the aggregate quantity of water

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so pumped by the Corporation exceeds twenty-one million gallons Provided that—

(i) The total amount of any penalties in respect of any contravention of the said provisions to which the Corporation shall be liable in relation to any period of twenty-one days (whether under this subsection or under any other provision contained in this Act) shall not exceed one hundred pounds; and

(ii) No portion of any period of twenty-one days in respect of which any such penalty shall have been incurred shall be included in any other such period for the purposes of this subsection;

(b) The Corporation shall also be liable on conviction on information similarly laid to a penalty not exceeding ten pounds for any neglect or refusal to comply with the provisions of the same section which relate to the erection and maintenance of apparatus and the inspection or examination of such apparatus and the records thereof and to a further penalty not exceeding ten pounds for every day on which such neglect or refusal shall continue after conviction Provided that the total amount of any penalties in respect of any contravention of this provision to which the Corporation shall be liable in relation to any one day (whether under this subsection or under any other provision contained in this Act) shall not exceed ten pounds :

(3) So long as the company continue to work the navigation the Corporation shall repay to them on demand any expense reasonably incurred by them (but not exceeding twenty-five pounds in any year) in maintaining a uniform depth of four feet of water below "head level" at Cuton Lock for the full length of the pond between the tail of Sandford Lock and the head of Cuton Lock :

(4) The Corporation shall not draw down the water which at present supplies Sandford Lock more than 21 inches below the height of a full pond

which level is referred to in section 9 (Millers not to draw down the water below a certain height) of the Act 33 Geo. III. C. xciii. but nothing in this subsection shall affect the rights of the company under that section except that in the event of the Corporation contravening the provisions of this subsection they shall not be liable in respect of such contravention to the forfeiture imposed by the said section 9 if such contravention occurred during any period of twenty-one days in respect of which the Corporation have been found liable to any penalty under the provisions of subsection (2) (a) of this section or of subsection (2) (a) of the section of this Act of which the marginal note is "For protection of county council" Provided that if the company at any time so long as they continue to work the navigation shall fail to keep their Sandford Lock and such of the banks of the pond above the same as the company are at present liable to maintain in such good and substantial repair as to prevent any considerable quantity of water from leaking through the same the Corporation may themselves after giving not less than seven days' notice in writing to the company execute such repairs as may be reasonably necessary to such lock and banks and the company shall repay to the Corporation any expenses reasonably incurred by them in executing any such repairs :

- (5) The Corporation shall not under the provisions of this Act discharge into or permit to enter the navigation of the company any silt sludge sand mud detritus or water containing chemicals or any matter in suspension which can reasonably be removed and shall pay to the company compensation for any damage or expense incurred by them in consequence of any neglect on the part of the Corporation to comply with the provisions of this subsection :
- (6) The provisions of this section shall be in addition to and not in derogation of any of the provisions of this Act or any Act incorporated

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therewith which may enure for the benefit of the company :

- (7) If any difference shall arise between the Corporation and the company under this section the same shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of county council.

**23.** For the protection of the county council the following provisions shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect (that is to say) :—

- (1) The Corporation shall properly fill in with suitable materials in accordance with the reasonable requirements and to the reasonable satisfaction of the county surveyor of the county of Essex any trenches which shall be made in any road vested in the county council in or for the purpose of the construction maintenance repair or renewal of any work executed under the powers of this Act and shall properly reinstate and make good any portion of any such road which shall be interfered with under the powers of this Act including the surface thereof to the level of and with the same materials as the surface of the portion of the road adjoining the portion so interfered with in accordance with the like requirements and to the like satisfaction ;

The Corporation shall maintain and repair at their own expense and to the reasonable satisfaction of the said county surveyor the portion of any roadway so interfered with for a period of twelve months from the date of the surface thereof being made good as aforesaid :

- (2)—(a) If the Corporation shall contravene any provisions of the section of this Act of which the marginal note is "Limiting powers of the Corporation to abstract water" which limit the quantity of water to be pumped by means



of Work No. 4 they shall be liable on conviction on information laid by or on behalf of the county council to a penalty not exceeding one hundred pounds for every period of twenty-one days in which the aggregate quantity of water so pumped by the Corporation exceeds twenty-one million gallons :

A.D. 1923:  
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Provided that—

(i) The total amount of any penalties in respect of any contravention of the said provisions to which the Corporation shall be liable in relation to any period of twenty-one days (whether under this subsection or under any other provision contained in this Act) shall not exceed one hundred pounds; and

(ii) No portion of any period of twenty-one days in respect of which any such penalty shall have been incurred shall be included in any other such period for the purposes of this subsection;

(b) The Corporation shall also be liable on conviction on information similarly laid to a penalty not exceeding ten pounds for any neglect or refusal to comply with the provisions of the same section which relate to the erection and maintenance of apparatus and the inspection or examination of such apparatus and the records thereof and to a further penalty not exceeding ten pounds for every day on which such neglect or refusal shall continue after conviction :

(3) The Corporation shall within seven days from the receipt by them of any approval of the Minister of Health to any such means to be taken by the Corporation as are referred to in the section of this Act of which the marginal note is "Cleansing of rivers" furnish the county council with a copy of such approval and any other information relating thereto which the county council may reasonably require :

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- (4) Notwithstanding anything contained in this or any other Act the Corporation shall not supply water to any local authority company or person supplying or authorised to supply water outside or for use outside the administrative county of Essex :
- (5) Any dispute or question arising under this section shall be referred to and settled by an engineer to be agreed on between the county council and the Corporation or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject as aforesaid the Arbitration Act 1889 shall apply to any such reference.

For protec-  
tion of rural  
district  
council.

**24.** Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions for the protection of the rural district council shall unless otherwise agreed in writing between the Corporation and the rural district council apply and have effect (that is to say) :—

- (1) The provisions of section 30 of the Waterworks Clauses Act 1847 in their application to the works by this Act authorised shall have effect as if the word "seven" were substituted for the word "three" in that section :
- (2) The plan of the works authorised by this Act required by section 31 of the Waterworks Clauses Act 1847 shall be accompanied by a description of the proposed works and shall be delivered to the rural district council by the Corporation not less than seven days before the Corporation commence to open or break up any road of the rural district council :
- (3) Where any work by this Act authorised is to be laid under any road vested in the rural district council the same shall be laid and maintained so that the upper surface thereof is not less than two feet six inches below the surface of the road and the trench shall be filled in and the surface of the road made good and level with the adjoining surface of the road in accordance with the reasonable requirements

of the surveyor to the rural district council and the Corporation shall be liable to maintain and repair at their own expense and to the reasonable satisfaction of the said surveyor the roadway over the trench for a period of twelve months from the date of the surface being made good as aforesaid :

- (4) If within a period of twelve months after any work by this Act authorised has been laid in any such road any sinking or subsidence of the surface of the road due thereto shall occur the Corporation shall at their own expense make up the surface of the road to the reasonable satisfaction of the said surveyor and if they fail to do so in seven days when required by the said surveyor he may after giving the Corporation twenty-four hours' notice cause the work to be done and all expenses reasonably incurred in connection with such work shall be repaid by the Corporation to the rural district council :
- (5) The rural district council shall not except in case of negligence be liable to the Corporation for any damage done to any work by this Act authorised where laid under any such road caused by the reasonable use of a road roller or other engine not exceeding fifteen tons in weight and the Corporation shall indemnify the rural district council from any claim for damages that may be made against the rural district council by reason of any sinking or subsidence of the road caused by the construction or failure of any work by this Act authorised :
- (6) The Corporation shall to the reasonable satisfaction of the rural district council exercise all practicable precautions in the making and maintenance of Work No. 5 authorised by this Act so as not to affect injuriously any waters which constitute any part of the existing water supply of the rural district council or which would but for the exercise of the powers of this Act find their way into any works of the rural district council forming part of their water undertaking and so much of the said

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Work No. 5 as is to be constructed within the district of the rural district council shall be constructed to the reasonable satisfaction of the rural district council who shall be entitled to inspect from time to time during its construction so much of the said Work No. 5 as aforesaid :

- (7) Not less than seven days before commencing the execution of any of the works authorised by this Act under or within a distance of five yards from any water main pipe or apparatus connected therewith or any sewer drain or other work belonging to the rural district council or their consumers or over under or across any watercourse under the jurisdiction of the rural district council (all of which are in this section together referred to as "works of the rural district council") the Corporation shall furnish to the rural district council plans sections and particulars of such work :
- (8) If and so far as the execution of any such work as aforesaid by the Corporation involves any alteration of or otherwise affects any works of the rural district council such work shall only be carried out in accordance with such plans sections and particulars as may be reasonably approved by the rural district council or their surveyor. Provided that if the rural district council fail for a period of seven days after the submission to them of the said plans sections and particulars to express in writing their disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and that if within the said period of seven days the rural district council in writing express their disapproval of the said plans sections and particulars or make any requirements in relation thereto with which the Corporation are unable or unwilling to comply a difference shall be deemed to have arisen between them with respect to the said plans sections and particulars which difference shall be determined by arbitration under this section :

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(9) If the execution of any work shown on the plans and sections furnished to them by the Corporation as aforesaid will injuriously affect the stability of any works of the rural district council (whether such execution will involve any alteration of such works of the rural district council or not) the rural district council may at any time within seven days after the submission to them of the said plans sections and particulars by notice in writing require the Corporation to raise lower or alter the position of or to support such works of the rural district council in such manner as may be reasonably necessary and thereupon the Corporation shall in executing the said work (if it be reasonably necessary so to do) at their own expense comply with such requirements to the reasonable satisfaction of the rural district council :

(10) If by reason or in consequence of the execution by the Corporation of any works by this Act authorised the rural district council shall reasonably incur any additional expense in connection with the maintenance or repair of any road or any damage or injury shall result directly or indirectly to any works of the rural district council the Corporation shall repay to the rural district council the amount of such additional expense and the cost of repairing reinstating and making good such damage and injury :

(11) If any interruption in the supply of water or in the flow of sewage or drainage through any of the works of the rural district council shall be in any way occasioned by the failure of any of the works of the Corporation or by the act or default of the Corporation or any of their contractors agents workmen or servants or any person in the employ of them or any of them the Corporation shall make good to the rural district council any loss damage or expense which may be incurred or suffered by the rural district council by reason of such interruption and shall indemnify the rural district council from any claim or demand in respect thereof :

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- (12) The Corporation shall not construct the works authorised by this Act at a less distance than three feet from the works of the rural district council except where it may be necessary for such works to be laid across or under any works of the rural district council in which case such work shall be so laid as to leave between the same and the works of the rural district council at least one foot and shall be self-supporting for a distance of at least three feet on either side of the point of crossing and the Corporation shall similarly support the works of the rural district council under which the works of the Corporation are laid :
- (13) The works authorised by this Act shall be executed so as not to prevent or so far as practicable render less convenient the access by the rural district council to any works of the rural district council for the purpose of repair alteration or removal thereof :
- (14) The rural district council may at any time enlarge improve reconstruct or alter the course of any works of the rural district council or construct new or additional works under or over the works of the Corporation in the same manner as they might have done if this Act had not been passed but the same shall be carried out to the reasonable satisfaction and under the superintendence (if given) of the engineer of the Corporation :
- (15) The Corporation shall not without the consent in writing of the rural district council which consent shall not be unreasonably withheld erect any telephone or telegraph posts in or upon or abutting on any road or footpath under the jurisdiction of the rural district council or without such consent place any wires or conductors along over or across any such road or footpath :
- (16) If any difference shall arise between the Corporation and the rural district council under this section such difference shall be determined by an arbitrator to be appointed failing agreement on the application of either party (after notice

in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such determination.

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**25.** Subject to the provisions of this Act the waterworks to be constructed by the Corporation under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Corporation.

Works to form part of water undertaking.

**26.—(1)** For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Corporation may by agreement purchase take on lease and acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes.

Power to hold lands and exercise powers for protection of waters.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Corporation.

(3) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 and this Act with respect to the breaking up of streets for the purpose of laying pipes.

(4) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any land with reference to the execution by the Corporation

A.D. 1923. — or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters the Corporation are for the time being authorised to take.

Discharge of water into streams.

**27.**—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir well adit aqueduct line of pipes or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch provided that water so discharged shall be as far as reasonably practicable free from mud or solid or offensive matter.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The provisions of this section shall not be exercised so as to damage or injuriously affect the railways or works of the London and North Eastern Railway Company.

Application of Waterworks Clauses Act 1847 to works authorised by this Act.

**28.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of their water undertaking :

Provided that the Corporation shall not construct lay down erect or maintain any such pipes posts wires conductors or apparatus in through across or under any road or bridge for the time being belonging to and forming the approach to any railway station or depôt of the London and North Eastern Railway Company except with the consent of such company in writing which consent shall not be unreasonably withheld and under the supervision (if given) and to the reasonable satisfaction of the engineer of such company.



**29.** Any telephone or telegraph posts wires conductors or apparatus laid down erected made or maintained under the provisions of this Act shall not be used in contravention of the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869 and shall not be constructed in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General.

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For protection of  
Postmaster-General.

**30.—(1)** If any person shall knowingly and wilfully discharge throw or put or cause or suffer to fall or flow into the River Chelmer between the point where that river crosses the northern boundary of the borough and Sandford Mill and Sandford Lock or into the River Cann between the point where that river crosses the western boundary of the borough and the point where it flows into the River Chelmer or into any portion of the River Wid which flows within the borough any offensive matter whether solid or fluid or any earth mud ashes dirt soil or refuse of any description so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of the water or to pollute the water he shall for every such offence be liable to a penalty not exceeding five pounds Provided that the exercise by the company of any of their statutory powers or duties shall not be deemed to constitute an offence against this enactment and that nothing in this section shall be deemed to limit or restrict the nature of the freights or the method of propulsion by means of which the same may be carried on the navigation of the company or to prevent any bilge water from any barge boat or other vessel being discharged into the said navigation beyond a distance of four hundred yards above the point of intake Provided also that where any offence against this enactment is committed from or out of any barge boat or other vessel the master or the person in charge of such barge boat or other vessel shall be liable to be proceeded against and punished under this enactment.

Prohibition  
of throwing  
offensive  
matter &c.  
into rivers.

(2) The Corporation shall take all reasonable steps to acquaint the masters and persons in charge of barges boats and other vessels navigating the River Chelmer or the River Cann of the provisions of subsection (1) of this section.

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Cleansing  
of rivers.

**31.**—(1) The Corporation (if they think fit) may cleanse and dredge the Rivers Chelmer and Cann and protect the banks thereof within the limits mentioned in the section of this Act whereof the marginal note is “Prohibition of throwing offensive matter &c. into rivers” Provided that the Corporation shall not exercise any powers under this section (a) in or over any part of the navigation of the company without the consent in writing of the company which consent shall not be unreasonably withheld or (b) so as to divert or diminish the quantity of water passing into Springfield Basin Any question arising between the company and the Corporation as to whether the consent of the company is unreasonably withheld shall be determined by a single arbitrator to be appointed failing agreement by the Minister of Health under and subject to the provisions of the Arbitration Act 1889.

(2) The Corporation shall before they commence to supply and so long as they continue to supply water from the River Chelmer to the approval of the Minister of Health take such effective means as they may from time to time be lawfully able to take to prevent any sewage or other offensive or injurious matter whether solid or fluid from passing or flowing into the said river down or through any sewer drain pipe or channel between and including the borough and the point of intake.

(3) The Corporation shall make compensation to the owners lessees and occupiers of all or any parts of the said rivers who may be injured by any cleansing or dredging operations carried out by the Corporation under the provisions of this section such compensation in case of difference to be settled in a summary way before two justices and all expenses incurred by the Corporation including compensation payable by them under this section may be paid out of the district fund and general district rate.

For further  
protection  
of rural  
district  
council.

**32.** The following provisions for the further benefit of the rural district council shall except so far as may be otherwise agreed in writing between the Corporation and the rural district council apply and have effect (that is to say):—

(1) If for the purpose of preventing any pollution of the River Chelmer or the tributaries of such river the rural district council at any time

after the passing of this Act construct works of sewerage or sewage disposal— A.D. 1923

(a) for the whole or any part of the parish of Little Waltham and that part of the parish of Great Waltham which abuts upon the main road from Chelmsford to Braintree; or

(b) for the whole or any part of the parish of Broomfield;

the Corporation in the case (a) before mentioned shall pay to the rural district council one half the costs and expenses reasonably incurred by the rural district council in constructing a main sewer with an internal diameter not exceeding nine inches along the valley of the River Chelmer from the bridge carrying the main road across the said river in Little Waltham known as Wingford Bridge to Broomfield Mill and in the case (b) before mentioned shall pay to the rural district council one half the costs and expenses reasonably incurred by the rural district council in constructing a main sewer with an internal diameter not exceeding twelve inches along the valley of the River Chelmer from Broomfield Mill to the boundary of the borough at a point to be agreed upon between the rural district council and the Corporation or failing agreement to be determined by arbitration as hereinafter in this section provided and the Corporation shall at their own expense construct within the borough a sewer or sewers of sufficient capacity (singly or jointly as the case may be) from the before-mentioned point to their nearest available outfall sewer and shall complete the sewer so to be constructed by them with all reasonable despatch and if reasonably possible not later than the date upon which the main sewer to be constructed by the rural district council from Broomfield Mill to the boundary of the borough is completed to the intent that sewage flowing through the said sewer of the rural district council may flow through the sewers of the Corporation and of the Chelmsford Joint

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Sewerage Committee (in this section referred to as "the joint committee") and be dealt with at the joint committee's sewage outfall works in the parish of Springfield Provided that if the rural district council instead of constructing the said main sewer resolve to construct local works of sewerage and sewage disposal either in the case (a) or (b) before mentioned the Corporation shall pay to the rural district council one half of the costs and expenses incurred by the rural district council in constructing such local works but the maximum amount payable by the Corporation under this provision shall not either in case (a) or in case (b) exceed the amount for which the Corporation would have been liable in those respective cases if the rural district council had constructed a main sewer as aforesaid instead of such local works and compliance with the requirements of this proviso shall relieve the Corporation of all liability in respect of the construction of the sewers referred to in case (a) or case (b) or both of them as the case may be :

- (2) As and when the costs and expenses to be incurred by the rural district council under subsection (1) of this section or any part thereof become payable the Corporation shall on demand contribute and pay to the rural district council the share thereof payable by the Corporation as hereinbefore provided :
- (3) The Corporation shall not make any charge against the rural district council for permitting any sewage from any such main sewers as are referred to in subsection (1) of this section and which may be constructed by the rural district council of a capacity not exceeding that which is therein mentioned to flow through the sewers of the Corporation but a fair and just proportion of the expense of the sewage outfall works and of the sewers of the joint committee through which such sewage shall flow (including loan charges) calculated on the basis of population draining into the last-mentioned sewers shall

be paid annually by the rural district council to the joint committee : A.D. 1923.

- (4) Any difference arising between the Corporation and the rural district council under this section shall be settled by the arbitration of an arbitrator to be appointed failing agreement by the Minister of Health upon the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**33.** Notwithstanding anything contained in the section of this Act of which the marginal note is "Cleaving of rivers" the following provisions for the protection of the London and North Eastern Railway Company (in this section called "the railway company") shall (unless otherwise agreed in writing between the Corporation and the railway company) be in force and have effect :—

For protec-  
tion of  
London and  
North  
Eastern  
Railway  
Company.

- (1) The Corporation shall not execute any works under the powers conferred upon them by subsection (1) of the said section within a distance of twenty-five yards of any bridge carrying the railway of the railway company over the Rivers Chelmer or Cann until they have previously given the railway company fourteen days' notice in writing of their intention so to do accompanied by plans sections and particulars showing the places at which the works are proposed to be executed and the depth width and extent thereof and such plans sections and particulars have been approved by the engineer of the railway company (hereinafter called "the engineer") or in case of difference by an arbitrator to be appointed as hereinafter provided :
- (2) Any such works shall be executed by the Corporation in such manner that the stability of any such bridge of the railway company shall not be endangered or the traffic upon the railways over such bridge in anywise impeded or interfered with and under the superintendence

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if the same be given after seven days' notice and to the reasonable satisfaction of the engineer who shall have access for the purposes of this subsection at all reasonable times to the said works of the Corporation :

- (3) If the railway company after the receipt of such notice as is provided for by subsection (1) hereof give to the Corporation fourteen days' notice that they themselves desire to carry out any of such works the railway company may themselves after the expiration of such fourteen days execute such works under the superintendence and to the reasonable satisfaction of the Corporation and the Corporation shall repay to the railway company the cost reasonably incurred by the railway company in so doing :
- (4) If at any time owing to the execution of any of such works of the Corporation it shall be reasonably necessary to underpin protect or strengthen either temporarily or permanently any such bridge the railway company may themselves execute and provide all necessary works and appliances for so doing and may recover the reasonable costs thereof from the Corporation :
- (5) If by reason of the execution or failure of any of such works executed by the Corporation or their contractors any such bridge or other work or property of the railway company or the railways over such bridge shall be injured or the traffic thereon impeded the Corporation shall compensate the railway company for all costs to which the railway company may be put in repairing the injury and the Corporation shall also indemnify the railway company from any damage or compensation which may be recovered against them by reason of the interruption of the traffic or any accident which shall have been occasioned by the acts or defaults of the Corporation or any of their contractors servants or workmen in the execution of any of such works :

- (6) The Corporation shall bear and on demand pay to the railway company the reasonable expense of the employment by them during the execution or maintenance of any work of the Corporation affecting their railways of such number if any of inspectors watchmen and signalmen as may be reasonably required for watching and signaling the same with reference to and during the execution or maintenance of any such work of the Corporation and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors : A.D. 1923.
- (7) The Corporation shall repay to the railway company all sums of money costs charges and expenses which the railway company or any accident or other similar fund established or administered by them may legally become required to pay to any servant or workman of the railway company in respect of personal injury by accident happening to such servant or workman while engaged upon any work which the railway company are by this section empowered to execute at the expense of the Corporation :
- (8) Any difference which may arise between the railway company and the Corporation under the provisions of this section or of the sections of this Act of which the respective marginal notes are "Temporary stoppage of streets" "Application of Waterworks Clauses Act 1847 to works authorised by this Act" "Power to lay pipes in private streets" and "Detection of waste" shall be settled by the arbitration of a single arbitrator being an engineer to be appointed by agreement or failing agreement by the President of the Institution of Civil Engineers on the application of the railway company and the Corporation or either of them after notice to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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SUPPLY OF WATER.

Limit of  
pressure.

**34.** The water supplied by the Corporation within the water limits need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir or other source from which the supply is taken.

As to Public  
Health Acts.

**35.** Subject to the provisions of this Act the provisions of the Public Health Acts shall continue to apply to the supply of water by the Corporation.

Power to  
lay pipes in  
private  
streets.

**36.** The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act :

Provided that nothing in this section contained shall apply to any street or road for the time being belonging to and forming the approach to any station or depôt of the London and North Eastern Railway Company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street or road.

Dates for  
payment of  
water rates.

**37.** Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint :

Provided that no person shall be compellable to pay such water rates or charges for any longer period in advance than three months.

Charges for  
hose-pipes.

**38.** Where water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation



may if a hose-pipe or other similar apparatus is used charge any additional sum not exceeding one pound per annum and (where more motor cars than one are ordinarily kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum chargeable under the provisions of this section shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

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**39.** The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any hospital school or similar institution club hotel restaurant public-house or inn.

Supply to houses partly used for trade.

**40.** The price to be charged for a supply of water by meter shall not exceed two shillings per thousand gallons.

Price of supply by meter.

**41.**—(1) If by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Corporation by and under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Power to Corporation to repair communication pipes.

(2) Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

**42.** When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said

Maintenance of common pipe.

A.D. 1923. — several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Corporation or other officer duly authorised in that behalf by the Corporation.

Byelaws for preventing waste of water.

**43.**—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans water-closets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and may forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours’ notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

Interference with valves pipes and fittings.

**44.** Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Detection of waste.

**45.**—(1) Subject to the provisions of the Waterworks Clauses Act 1847 which are incorporated with

the Public Health Act 1875 and this Act the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages gas or water pipes electric lines wires and apparatus Provided that the Corporation shall not under the provisions of this section enter upon break up or interfere with the railway works electric lines wires or apparatus belonging to or maintained by the London and North Eastern Railway Company without their consent in writing which consent shall not be unreasonably withheld.

(2) Provided that the Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

46.—(1) The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Separate communication pipe may be required for each house supplied.

(2) If the owner of any house supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing summarily as a civil debt from such owner.

47. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person

Connecting and disconnecting of meters.

A.D. 1923. — authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to  
person liable  
to maintain  
pipes &c. to  
open  
ground.

**48.**—(1) For the purpose of complying with any obligation under the provisions of the Waterworks Clauses Acts 1847 and 1863 which are incorporated with the Public Health Act 1875 to maintain any pipe or apparatus in the water limits the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay down maintain repair or remove any communication pipe and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to  
sell meters.

**49.** The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to  
supply  
fittings.

**50.**—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him whether by way of sale or hire and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans water-closets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Corporation for the sale or hire of such materials and for executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose

possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof:

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Provided as follows:—

- (a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes) and all sums applied to sinking fund for repayment of moneys so borrowed;
- (b) Every sum charged by the Corporation in respect of provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note rendered by the Corporation to the consumer;
- (c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking of the Corporation for such year.

(3) Any payments due to the Corporation for the sale or hire of such fittings or materials or for executing such work may be recovered summarily as civil debts.

**51.** A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation.

Notice of  
discon-  
tinuance.

**52.** The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the water limits to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such

Contracts  
for supply-  
ing water in  
bulk outside  
limits.

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*Water Act, 1923.*

A.D. 1923. — period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits.

As to supply of water to rural district council.

**53.** The following provisions shall except so far as may be otherwise agreed in writing between the Corporation and the rural district council apply and have effect (that is to say):—

(1) At any time and from time to time after the Corporation commence to supply water by means of Work No. 5 authorised by this Act and as soon as possible after receipt by them of notice in writing from the rural district council requiring a supply of water the Corporation shall afford to the rural district council a supply of filtered and purified water in bulk not exceeding such quantity as may be specified in such notice. Such supply shall be given for such period as the rural district council may from time to time by notice require and shall be delivered at such point or points on the said Work No. 5 or on any other of the mains of the Corporation for the time being supplied from their Longstumps Reservoir which may for the time being be of sufficient capacity for the purpose in addition to the purposes for which the same may be required within the water limits as may be agreed between the Corporation and the rural district council or as failing agreement may be determined by arbitration under this section. Provided that—

(a) The Corporation shall not be under obligation to supply water in pursuance of this section if and so far as such supply would render insufficient the supply of water for all purposes within the water limits or for meeting any other obligations of the Corporation for the time being;

(b) The Corporation shall not be required to lay down any main or mains or to enlarge

any existing main or mains or to carry out any extensions or alterations of the works constructed under this Act as they exist at the time of receipt of such notice requiring a supply for the purpose of affording a supply of water to the rural district council under this section; A.D. 1923.

(c) If during any period of twelve months after the Corporation have commenced to supply water to the rural district council under this subsection the rural district council shall not have taken the full quantity of water specified in the notice the quantity actually taken by the rural district council during such period of twelve months as measured by the meter or meters referred to in subsection (4) of this section shall be ascertained and thereafter the total quantity which the rural district council shall be entitled to take shall be the quantity so ascertained with an addition thereto of one-fourth of that quantity and the Corporation shall subject as in this section provided be at liberty to enter into any agreement to supply any quantity in excess of the quantity so ascertained with the said addition thereto beyond the water limits but if at any time after the Corporation shall have entered into any such agreement the rural district council shall give not less than twelve months' notice requiring an additional supply which would necessitate the variation or determination by the Corporation of any such agreement and involve the Corporation in loss the rural district council shall pay for the additional supply such sum over and above the ten pounds per centum mentioned in subsection (3) of this section as will compensate the Corporation in respect of such loss and that sum in default of agreement shall be determined by arbitration under this section :

- (2) All water supplied to the rural district council under this section shall be for use only in the rural district of Chelmsford and such water

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*Water Act, 1923.*

A.D. 1923.

shall not be used to replace within the said rural district any water which the rural district council may supply for use outside the rural district and which would otherwise be reasonably available for use within the rural district :

- (3) Subject as provided in proviso (c) to subsection (1) of this section the price per thousand gallons to be paid by the rural district council to the Corporation for any water supplied under this section shall be such proportion of the average cost per thousand gallons (other than loan charges) incurred by the Corporation in the quarter of a year in respect of which the payment is to be made in pumping filtering and purifying water and conveying the same to the Longstumps Reservoir as the quantity of water measured by the meter or meters referred to in subsection (4) of this section in that quarter bears to the total quantity of water pumped by the Corporation into the Longstumps Reservoir in that quarter together with a sum equal to ten pounds per centum upon the total sum so arrived at and the said price in default of agreement shall be determined by arbitration under this section :
- (4) All water supplied by the Corporation under the provisions of this section shall be measured by a suitable meter to be provided and fixed by the Corporation at the point or each of the points at which the supply shall be taken and every such meter shall at all times be kept in good repair working order and condition by the Corporation and renewed when necessary The rural district council shall pay a rental of ten per centum per annum on the original cost price of each meter provided and shall at all reasonable times have access to such meters for the purpose of inspecting the same and shall be entitled to take copies of the records thereof :
- (5) All payments for the water supplied under the provisions of this section shall be paid quarterly on the first day of January first day of April



first day of July and the first day of October in every year : A.D. 1923.

- (6) Before entering into any agreement for the supply of water beyond the water limits to any local authority company or person other than the rural district council under the provisions of the section of this Act of which the marginal note is "Contracts for supplying water in bulk outside limits" or in pursuance of any other powers in that behalf the Corporation shall give to the rural district council not less than three months' previous notice in writing of their intention so to do and if the rural district council do not within three months from the receipt of any such notice give notice under subsection (1) of this section that they require the Corporation to supply upon the terms provided for by this section any or all of the water then available for such supply the Corporation shall be entitled to supply such water (or so much thereof as is not required under the terms of this section to be supplied to the rural district council) to any other local authority company or person but the giving by the Corporation of such supply shall not interfere with any supply of water which the rural district council may then be receiving or which they may require the Corporation to supply under the provisions of this section :

- (7) Any difference arising between the Corporation and the rural district council under this section shall be settled by the arbitration of an arbitrator to be appointed failing agreement by the Minister of Health upon the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

#### FINANCIAL AND MISCELLANEOUS PROVISIONS.

54.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the

Power to borrow

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*Water Act, 1923.*

A.D. 1923. — respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the district fund and general district rate and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column thereof (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements for and for the construction of the waterworks authorised by this Act.	£ 66,000	Fifty years from the date or dates of borrowing.
(b) New mains extensions of mains and other waterworks purposes.	10,000	Forty years from the date or dates of borrowing.
(c) The costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act or for the purposes of working capital for their water undertaking.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Health.

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 38 (Power to use one form of mortgage for all purposes) of the Act of 1915.

Application  
of provi-

**55.** The following provisions of the Act of 1915 shall with any necessary alterations or modifications

extend and apply for the purposes of this Act as if the same were re-enacted in this Act namely:—

- |            |                                                                 |                                          |
|------------|-----------------------------------------------------------------|------------------------------------------|
| Section 29 | Section 234 of Public Health Act 1875 not to apply;             | A.D. 1923.<br>—<br>sions of Act of 1915. |
| Section 30 | Mode of raising money;                                          |                                          |
| Section 31 | Provisions of Public Health Act as to mortgages to apply;       |                                          |
| Section 32 | Appointment of receiver;                                        |                                          |
| Section 33 | Mode of payment off of money borrowed;                          |                                          |
| Section 34 | Sinking fund;                                                   |                                          |
| Section 35 | Protection of lender from necessity of inquiry;                 |                                          |
| Section 37 | Corporation not to regard trusts;                               |                                          |
| Section 42 | Application of moneys borrowed;                                 |                                          |
| Section 44 | Expenses of execution of Act;                                   |                                          |
| Section 50 | Persons acting in execution of Act not to be personally liable; |                                          |
| Section 51 | Inquiries by Local Government Board;                            |                                          |
| Section 52 | Powers of Act cumulative;                                       |                                          |
| Section 53 | Informations by whom to be laid; and                            |                                          |
| Section 54 | Judges not disqualified:                                        |                                          |

Provided that in its application to this Act the said section 51 shall be read and have effect as if the words "five guineas" were therein inserted instead of the words "three guineas."

**56.** Notwithstanding anything contained in this Act or in any Acts or regulations governing the same the rate of accumulation of the annual payments to every accumulating sinking fund which has been or may be formed by the Corporation for any purpose shall be three pounds per centum per annum or such other rate as the Minister of Health may from time to time approve.

**57.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

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A.D. 1923.  
—  
Recovery of  
penalties &c.

**58.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties  
to be paid  
over to  
treasurer.

**59.** All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the district fund or to such other fund as the Corporation shall direct.

Confirma-  
tion of  
byelaws.

**60.** The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 Authentication and alteration of byelaws;

Section 183 Power to impose penalties on breach of byelaws;

Section 184 Confirmation of byelaws; and

Section 185 Byelaws to be printed &c.;

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act.

Costs of Act.

**61.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the district fund and general district rate or out of moneys to be borrowed under this Act for that purpose.

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Printed by EYRE and SPOTTISWOODE, LTD.,  
FOR  
WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of  
Acts of Parliament.

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