



## CHAPTER lxii.

An Act to authorise the Southend Waterworks Company to construct new works and to raise additional capital and for other purposes. A.D. 1924.

[1st August 1924.]

**W**HEREAS the Southend Waterworks Company (in this Act called "the Company") are by the Southend Waterworks Acts 1879 to 1921 authorised to construct and maintain waterworks and to supply water within the limits in the county of Essex thereby prescribed :

And whereas the water now available to the Company is inadequate to meet the constantly growing demand for water within their limits of supply and it is expedient that in order to afford an additional supply within the said limits the Company should be empowered to impound the waters and to construct the works in this Act mentioned :

And whereas it is expedient that the limits for the supply of water by the Company should be extended as by this Act provided and that the powers and provisions of the Acts relating to the Company should be in force within such extended limits :

And whereas a statement of the authorised share and loan capital of the Company is set forth in the First Schedule to this Act and it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and the general purposes of their

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A.D. 1924. — undertaking and to apply their funds to those purposes and that the further powers in this Act mentioned should be conferred upon the Company :

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

And whereas plans and sections of the works by this Act authorised and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Essex and are in this Act 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 :—

Short and  
collective  
titles.

1. This Act may be cited as the Southend Waterworks Act 1924 and the Southend Waterworks Acts 1879 to 1921 and this Act may be cited together as the Southend Waterworks Acts 1879 to 1924.

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

(2) The Lands Clauses Acts :

Provided always that any question of disputed compensation under this Act or any Act incorporated therewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Company and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party :

(3) The provisions of the Companies Clauses Con- A.D. 1924.  
solidation Act 1845 (except the provisions  
relating to the conversion of borrowed money  
into capital) and Part I. (relating to cancellation  
and surrender of shares) Part II. (relating to  
additional capital) and Part III. (relating to  
debenture stock) of the Companies Clauses Act  
1863 as amended by subsequent Acts :

(4) The provisions of the Railways Clauses Con-  
solidation Act 1845 with respect to the tem-  
porary occupation of lands near the railway  
during the construction thereof Provided that  
in construing the said provisions for the purposes  
of this Act the expression "the railway" shall  
mean the works by this Act authorised and  
"the centre of the railway" shall mean the  
centre lines of such works.

3. In this Act unless there be something in the Interpretation.  
subject or context repugnant to such construction the  
several words and expressions to which meanings are  
assigned by the Acts wholly or partially incorporated  
herewith shall have the same respective meanings and  
the expressions "the corporation" and "the county  
council" mean respectively the mayor aldermen and  
burgesses of the county borough of Southend-on-Sea and  
the council of the administrative county of Essex.

4. Subject to the provisions of this Act the Power to  
Company may in the county of Essex and in the lines construct  
and situation and upon the lands delineated on the works.  
deposited plans and described in the deposited book of  
reference make and maintain the following works and  
they may enter upon take and use all or any of the lands  
in that behalf delineated on the said plans and described  
in the deposited book of reference relating thereto  
respectively (that is to say) :—

In the parish of Springfield in the rural district of  
Chelmsford—

- (1) A collecting tank (No. 1) adjoining and in  
connection with the effluent channel at the  
sewage disposal works in the enclosure  
numbered 294 on the Ordnance map ( $\frac{1}{2500}$   
scale) sheet N. LIV-12.

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In the said parish of Springfield and other parishes—

- (2) A line or lines of pipes (No. 1) commencing in the collecting tank (No. 1) and passing thence into the parishes of Little Baddow and Boreham in the said rural district of Chelmsford and into and terminating in the parish of Woodham Walter in the rural district of Maldon at the west side of the Chelmer and Blackwater Canal about 3·2 chains south of Rushes Lock Gates.

In the parish of Hatfield Peverel in the rural district of Braintree—

- (3) A weir across the River Ter at a point therein about 8·7 chains measured in a north-westerly direction from the northernmost corner of the enclosure numbered 457 on the said Ordnance map sheet N. LV-6.

In the said parishes of Hatfield Peverel and Woodham Walter—

- (4) A line or lines of pipes (No. 2) with intake commencing at the said weir and terminating in the said parish of Woodham Walter at the north side of the Chelmer and Blackwater Canal about 1·4 chains west of the weir at Rushes Lock.

In the said parish of Woodham Walter and other parishes—

- (5) A line or lines of pipes (No. 3) with intake commencing in the said parish of Woodham Walter at the north side of the Chelmer and Blackwater Canal about 0·9 chain west of the weir at Rushes Lock and passing thence into the said parish of Hatfield Peverel and the parishes of Ulting and Langford in the rural district of Maldon and terminating in the last-mentioned parish at or in the reservoir (No. 1).

In the said parish of Langford—

- (6) A reservoir (No. 1) situate in the enclosures numbered 61 62 65 66 140 140a 142 142a and 147 on the said Ordnance map sheet N. LV-12.

- (7) A pumping station (No. 1) situate in the enclosure numbered 80 on the said Ordnance map sheet N. LV-12. A.D. 1924.
- (8) A line or lines of pipes (No. 4) commencing at or in the reservoir (No. 1) and terminating in the pumping station (No. 1).
- (9) A sluice (No. 2) in and across the Langford Cut about 2·5 chains from its junction with the Chelmer and Blackwater Canal.
- (10) A line or lines of pipes (No. 5) with intake commencing at the west side of Langford Cut about 7·7 chains south of Langford Mill and terminating in the pumping station (No. 1).

In the said parishes of Langford and Ulting—

- (11) A line or lines of pipes (No. 6) commencing in the pumping station (No. 1) and terminating in the said parish of Langford in the reservoir (No. 2).
- (12) A reservoir (No. 2) situate at the west end of the enclosure numbered 15 in the said parish of Langford on the said Ordnance map sheet N. LV-8.
- (13) A waste water conduit or line or lines of pipes (No. 7) commencing at or in the reservoir (No. 2) and terminating in the north-east corner of the enclosure numbered 55 in the said parish of Langford on the said Ordnance map sheets N. LV-7 and 8.

In the urban district of Witham—

- (14) A sewage collecting channel commencing in Witham Sewage Disposal Works at the north-east corner of the enclosure numbered 393 on the said Ordnance map sheets N. XLV-12 and 16 such channel being connected to the collecting tank (No. 2) and terminating at or in the left bank of the River Brain about 13 chains from its confluence with the River Blackwater.
- (15) A collecting tank (No. 2) situate at the west end of the enclosure numbered 395

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on the said Ordnance map sheet N.  
XLV-16.

- (16) A pumping station (No. 2) situate in the said enclosure numbered 395 adjacent to the collecting tank (No. 2).

In the urban district of Witham and certain parishes—

- (17) A line or lines of pipes (No. 8) commencing in the pumping station (No. 2) and passing thence into the parishes of Wickham Bishops and Langford in the rural district of Maldon and terminating in the last-mentioned parish at the east side of the Chelmer and Blackwater Canal about 5·5 chains east of its junction with Langford Cut.

In the parish of Langford and other parishes—

- (18) A line or lines of pipes (No. 9) commencing in the said parish of Langford in the pumping station (No. 1) and passing thence into the borough of Maldon the parishes of Woodham Walter Woodham Mortimer Hazeleigh Purleigh Cold Norton and Stow Maries in the rural district of Maldon Woodham Ferrers in the rural district of Chelmsford and Hockley Rayleigh and Hadleigh in the rural district of Rochford and terminating in the last-mentioned parish at or in the Oakwood reservoir of the Company.

Subsidiary works.

5. In addition to the foregoing works the Company may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

6. In the construction of the works authorised by this Act the Company may subject to the provisions of this Act deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans



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and where on any road no such limits are shown the boundaries of such road (including for this purpose any roadside waste forming part of or adjoining such road) shall be deemed to be such limits and they may also deviate vertically 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 on the deposited sections and three feet in addition thereto and that except for the purpose of crossing over a stream or railway no part of the lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

7. The Company shall not under the powers of this Act construct on in under or over the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Works below high-water mark not to be constructed without consent of Board of Trade.

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

Cables pipes or wires under or across tidal waters.

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Power to  
take  
waters.

9. Subject to the provisions of this Act the Company may for the purposes of their undertaking and of this Act collect impound take use divert and appropriate the waters of the River Chelmer the River Ter and the River Blackwater at the respective points of intake by this Act authorised.

Restriction  
on taking  
water from  
Chelmer  
and  
Blackwater  
Canal.

10.—(1) Notwithstanding anything contained in this Act the Company shall not take any water from the Chelmer and Blackwater Canal at the point of intake at Rushes Lock by means of the line or lines of pipes (No. 3) by this Act authorised—

- (a) when the level of water in the reach of the canal above Rushes Lock is more than four inches below the crest of the existing weir at Rushes Lock or so as to reduce the water in the said reach below that level; or
- (b) when the water passing from the reach of the canal above Rushes Lock to the reach below that lock does not exceed two hundred thousand gallons in any day of twenty-four hours or so as to reduce the water so passing below that amount; or
- (c) when the level of water in the reach of the canal below Rushes Lock is more than twenty-one inches below the level 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 George III. cap. 93 or so as to reduce the water in the said reach below that level; or
- (d) when the sewage effluent discharged or permitted to flow into the collecting tank (No. 1) by the Chelmsford Joint Sewerage Committee exceeds the carrying capacity for the time being of the line or lines of pipes (No. 1).

(2) For the purpose of measuring the quantities of water passing from the reach of the canal above Rushes Lock to the reach below that lock the Company shall at their own expense and before abstracting any water by means of the said intake provide and thereafter maintain a proper and suitable measuring gauge over or through which all the water passing from the reach above to the reach below the said lock (otherwise than through



the lock) shall flow and the same shall at all reasonable times be open to the inspection and examination of any person interested therein.

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(3) In the event of the Company taking water from the canal in contravention of the provisions of this section or in case of any neglect on the part of the Company to maintain the said gauge in a state of efficiency the Company shall for every day on which such contravention or neglect occurs forfeit and pay the sum of five pounds to each of the persons affected thereby who may sue for and recover the same.

11.—(1) Notwithstanding anything contained in this Act the Company shall not take any water from the River Blackwater at the point of intake in Langford Cut by means of the line or lines of pipes (No. 5) by this Act authorised when the water passing from the said river into the Chelmer and Blackwater Canal does not exceed two hundred thousand gallons in any day of twenty-four hours or so as to reduce the flow of water in the said river below that amount or when the sewage effluent discharged or permitted to flow into the sewage collecting channel or the collecting tank (No. 2) by the Witham Urban District Council exceeds the carrying capacity for the time being of the line or lines of pipes (No. 8).

Restriction  
on taking  
water from  
River  
Blackwater.

(2) The Company shall at their own expense and before abstracting any water by means of the said intake provide and thereafter maintain in the River Blackwater a proper and suitable measuring gauge by which the water passing from the said river into the said canal shall be measured and the same shall at all reasonable times be open to the inspection and examination of any person interested therein.

(3) In the event of the Company taking water from the said river in contravention of the provisions of this section or in case of any neglect on the part of the Company to maintain the said gauge in a state of efficiency the Company shall for every day on which such contravention or neglect occurs forfeit and pay the sum of five pounds to each of the persons affected thereby who may sue for and recover the same.

12.—(1) The Company shall before they commence to pump water under the provisions of this Act

Provisions  
for

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—  
measuring  
water.

construct and thereafter maintain proper and suitable positive recording gauges or measuring apparatus in the following positions and for the following purposes :—

- (a) on the line or lines of pipes (No. 2) by this Act authorised for the purposes of measuring the flow of water therein;
- (b) at a point in Rushes Pond below the intake of the line or lines of pipes (No. 3) by this Act authorised for the purposes of measuring the level of the water in Rushes Pond;
- (c) at a point in the pond below Rushes Weir for the purpose of measuring the level of the water above the south-eastern sill of Rushes Lock;
- (d) on or in connection with the line or lines of pipes (No. 3) by this Act authorised for the purpose of measuring the quantity of water flowing therein; and
- (e) on or in connection with the line or lines of pipes (No. 5) by this Act authorised for the purpose of measuring the quantity of water flowing therein.

(2) Such gauges and measuring apparatus and the records thereof shall be open to the inspection and examination of the medical officer of health of the county of Essex or any other person duly authorised in that behalf by the county council and any persons interested in the waters to be measured each of whom shall be entitled at the head office of the Company to take copies of such records free of charge.

(3) If any difference arises between the Company and the county council or any person interested in the waters of the River Ter the Chelmer and Blackwater Navigation or the River Blackwater with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of the Company or the county council by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**13.**—(1) The Company shall not commence to supply water from the River Chelmer or the River Ter until they have constructed and brought into use the collecting tank (No. 1) and the line or lines of pipes (No. 1) by this Act authorised.

(2) The Company shall not commence to supply water from the River Blackwater until they have constructed and brought into use the sewage collecting channel the collecting tank (No. 2) the pumping station (No. 2) and the line or lines of pipes (No. 8) by this Act authorised.

(3) (a) The said collecting tank (No. 1) line or lines of pipes (No. 1) sewage collecting channel collecting tank (No. 2) line or lines of pipes (No. 8) and any other works of the Company in connection therewith or subsidiary thereto shall be constructed under the supervision (if given) and to the reasonable satisfaction of the engineer of the corporation and in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the said engineer and all such works shall at all times be maintained by the Company to the like satisfaction.

(b) Any question arising between the Company and the corporation under this subsection shall be referred to and determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such arbitration.

**14.** Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions for the mutual protection and benefit of the Company and the Chelmsford Joint Sewerage Committee (in this section referred to as "the committee" which expression includes the mayor aldermen and burgesses of the borough of Chelmsford and the Chelmsford Rural District Council and other the owner or owners for the time being of the existing sewage disposal works of the Chelmsford Joint Sewerage Committee and any enlargement of those works) shall unless otherwise agreed in writing between the Company and the committee apply and have effect (that is to say) :—

(1) In this section—

"the prescribed standard of purity" means a standard of purity not less than that

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Certain works to be constructed before supplying water.

For protection of Company and Chelmsford Joint Sewerage Committee.

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possessed by an effluent one gallon of which does not in three hours at a temperature of eighty degrees Fahrenheit absorb more than one grain of oxygen from permanganate of potash (which corresponds to the county council standard of ten);

“ six times the dry weather flow ” means six times the dry weather flow of the sewage and drainage which for the time being pass or flow directly or indirectly into the collecting tank (No. 1) by this Act authorised :

- (2) The collecting tank (No. 1) and the line or lines of pipes (No. 1) by this Act authorised shall be constructed and from time to time (as may be reasonably necessary) altered enlarged and extended by the Company so as to be in such position and at all times of sufficient size and capacity to intercept all sewage effluent up to six times the dry weather flow for the time being discharged from the sewage disposal works of the committee :
- (3) The said collecting tank (No. 1) and the said line or lines of pipes (No. 1) shall be constructed and from time to time (as may be necessary) altered enlarged and extended in accordance with plans sections and particulars to be previously submitted to and reasonably approved by the committee and under the superintendence (if given) and to the reasonable satisfaction of the engineer to the committee and shall at all times be maintained by the Company to the like satisfaction Provided that if the said engineer does not express his disapproval of any such plans sections and particulars within one month after the same shall have been submitted the committee shall be deemed to have approved thereof :
- (4) The committee shall so long as the Company comply with the provisions of this section take all such steps as may be necessary in order to secure that the effluent passing into the said collecting tank (No. 1) shall so long as it does not exceed six times the dry weather

flow be of a purity not less than the prescribed standard of purity and the committee shall at all times indemnify the Company against all costs charges damages expenses and claims to which they are or may become liable in consequence of such effluent (when the same does not exceed six times the dry weather flow) being of a purity less than the prescribed standard of purity :

- (5) If the effluent passing into the said collecting tank (No. 1) is of the prescribed standard of purity and does not for the time being exceed six times the dry weather flow it shall be accepted by the Company who shall dispose of the same by means of the works authorised by this Act and any enlargement thereof or addition thereto which may from time to time be necessary and the Company shall at all times indemnify the committee against all costs charges damages expenses and claims in respect of the disposal of such effluent by the Company or the discharge thereof into the River Chelmer under and subject to the provisions of this Act :
- (6) If and when the effluent passing into the said collecting tank (No. 1) or otherwise discharged from the sewage disposal works of the committee exceeds six times the dry weather flow and such effluent is discharged by the committee or allowed to flow into the River Chelmer without complying with the prescribed standard of purity no action shall be taken by the Company directly or indirectly against the committee in respect of such discharge or flow :
- (7) If and when the committee have completed the alterations in their sewerage and sewage disposal works which are at present under construction by them it is reasonably necessary in order to secure that the effluent passing into the said collecting tank (No. 1) (up to a quantity not exceeding six times the dry weather flow) shall comply with the prescribed standard of purity that further purification works should be



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constructed for the treatment of such effluent the committee shall construct to the reasonable satisfaction of the Company such further works as may be necessary for the purpose aforesaid and on the completion thereof the Company shall repay to the committee one-half of the cost reasonably incurred by them in so doing :

- (8) No action or proceedings shall be taken by or at the instance of the Company against the committee in respect of the discharge of surface water from roads or surface drainage flowing into the River Chelmer :
- (9) No sewer or storm overflow of the committee shall discharge into the said river except when the flow in the sewers leading to the sewage disposal works of the committee exceeds six times the dry weather flow :
- (10) Any difference which shall arise between the Company and the committee under the provisions of this section or as to anything to be done or not to be done thereunder shall be referred to and determined by a single arbitrator to be appointed 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 and determination.

For protection of  
Company  
and Witham  
Urban  
District  
Council.

**15.** Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions for the mutual protection and benefit of the Company and the Witham Urban District Council (in this section referred to as "the council") shall unless otherwise agreed in writing between the Company and the council apply and have effect (that is to say) :—

- (1) In this section—

"the prescribed standard of purity" means a standard of purity not less than that possessed by an effluent one gallon of which does not in three hours at a temperature of eighty degrees Fahrenheit absorb more than one grain of oxygen from permanganate of potash (which corresponds to the county council standard of ten) ;



“ six times the dry weather flow ” means six times the dry weather flow of the sewage and drainage which for the time being pass or flow directly or indirectly into the sewage collecting channel by this Act authorised:

(2) Subsections (2) to (9) of the section of this Act of which the marginal note is “ For protection of Company and Chelmsford Joint Sewerage Committee ” shall with any necessary modifications extend and apply for the protection and benefit of the council as if—

(a) the council were therein referred to instead of the Chelmsford Joint Sewerage Committee;

(b) the sewage collecting channel the collecting tank (No. 2) the pumping station (No. 2) and the line or lines of pipes (No. 8) by this Act authorised were therein referred to instead of the collecting tank (No. 1) and the line or lines of pipes (No. 1);

(c) the sewage collecting channel by this Act authorised were therein referred to instead of the collecting tank (No. 1);

(d) the Rivers Blackwater and Brain or either of those rivers were therein referred to instead of the River Chelmer:

(3) The Company shall not acquire the lands numbered on the deposited plans 2 3 4 and 6 in the parish and urban district of Witham but the Company may acquire from the council and the council shall sell to the Company such easements and rights in the said lands numbered 2 3 and 6 as may be reasonably necessary to enable the Company to construct and maintain and obtain access to the collecting tank (No. 2) the pumping station (No. 2) and the line or lines of pipes (No. 8) by this Act authorised:

(4) Any difference which shall arise between the Company and the council or their respective engineers under the provisions of this section or as to anything to be done or not to be done thereunder shall be referred to and determined

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by a single arbitrator to be appointed 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 and determination.

For protection of county council Maldon Corporation and Maldon Rural District Council.

**16.** For the protection of the county council the mayor aldermen and burgesses of the borough of Maldon and the rural district council of Maldon the following provision shall unless otherwise agreed between the Company on the one hand and the county council the said mayor aldermen and burgesses and the said district council on the other hand apply and have effect (that is to say):—

The Company shall take all such steps as may be necessary to prevent the sewage effluent discharged or permitted to flow into the collecting tanks Nos. (1) and (2) by the Chelmsford Joint Sewerage Committee and the urban district council of Witham respectively from becoming a nuisance after the same is discharged or permitted to flow into the Chelmer and Blackwater Canal.

Responsibility for sewage effluent.

**17.** For the purposes of any proceedings under the Rivers Pollution Acts 1876 and 1893 or any Act amending the same the Company shall be deemed to be the person causing or knowingly permitting the sewage effluent to fall or flow or be carried into the Chelmer and Blackwater Canal from the line or lines of pipes (No. 1) or (No. 8) by this Act authorised.

Provisions as to purification of water.

**18.—**(1) The Company shall not supply for domestic purposes any water taken diverted or appropriated under the powers of this Act until the same shall have been—

- (a) treated and purified with such excess of lime as will effectively sterilise and clarify all water abstracted by the Company from the Rivers Chelmer Ter and Blackwater (which process of treatment and purification is known as “the excess lime process”); and
- (b) effectively freed from all excess of caustic lime and effectively filtered by means of sand filtration; and

(c) stored in the reservoir (No. 1) by this Act authorised which reservoir shall be constructed and from time to time (as may be necessary) enlarged so as to be of a capacity of not less than nine times the maximum day's supply of water for the time being afforded by the Company from the works by this Act authorised; and

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(d) subjected to such further treatment (if any) as may be necessary to make it comply with such standard of purity as may from time to time be prescribed by the Minister of Health :

Provided that the Company may substitute for the methods of treatment prescribed by paragraphs (a) (b) and (c) of this subsection such other methods of treatment as may from time to time be approved by the Minister of Health after considering any representations made by the corporation or the county council and if desired by the corporation or the county council after holding an inquiry with reference thereto.

(2) The Company shall provide and maintain in good working order chlorination plant which shall be used if and when such use is ordered by the Minister of Health.

(3) The total hardness of the water supplied by the Company shall not at any time exceed fifteen parts per one hundred thousand parts when tested with the test known as the soap test.

(4) The Company shall appoint and keep appointed a duly qualified chemist and bacteriologist who shall be in constant control at the works of the Company of the treatment and examination of all water so taken diverted and appropriated which is to be used for domestic purposes and such person shall carry out such tests and analyses for the Company 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 Company 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 corporation and shall be open to the inspection of the corporation and the county council at the head office

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of the Company The Company shall also afford to the corporation from time to time such further information relating to the water supplied by means of the works by this Act authorised as the corporation may reasonably require and shall permit any responsible and duly authorised officer of the corporation at all reasonable times to enter upon and inspect the works of the Company by this Act authorised.

(5) The Company shall provide and maintain a draw-off tap on the line or lines of pipes (No. 9) at the pumping station (No. 1) by this Act authorised from which tap the medical officer of health of the county borough of Southend-on-Sea or his assistant and the medical officer of the county council respectively shall be entitled at any time to take samples of water for analysis and the taking of any such sample and the hour and date of such taking shall be immediately thereafter communicated to the official of the Company in charge of the said pumping station and duplicates of every such sample handed to him.

(6) In the event of the Company supplying any water in contravention of the provisions of this section they shall be liable on conviction on information laid by or on behalf of the corporation to a penalty not exceeding one hundred pounds for every day on which such contravention occurs except as regards contraventions of the provisions of subsection (3) in which case the penalty shall not exceed ten pounds for every day on which any such contravention occurs.

(7) The Company shall pay to the Minister of Health any expenses incurred by him in relation to any enquiry referred to in subsection (1) of this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum (not exceeding five guineas a day) to be fixed by the said Minister for the services of such inspector.

Period for  
completion  
of works.

**19.** If the sluice (No. 2) and the lines of pipes (No. 5) and (No. 6) authorised by this Act are not completed within twelve years from the passing of this Act and if the other works authorised by this Act are not completed within five years from the passing of this Act then on the expiration of those periods respectively the powers by this Act granted for the making of the said works

respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed. Provided that the Company may alter improve enlarge extend renew reconstruct or discontinue any of their works and plant as and when occasion may require.

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**20.** The Company may (with the consent of the road authority) during the execution and for the purposes of any work authorised by this Act stop up any street and prevent all persons other than those bonâ fide proceeding to or returning from any house in the street from passing along and using the same for any reasonable time and the Company shall provide reasonable access for all persons so bonâ fide proceeding to or returning from any such house and at all times during the execution of any such work shall maintain a proper and sufficient access both for vehicular and pedestrian traffic to the passenger and goods stations of any railway company near to which any such work is being executed.

Temporary stoppage of streets.

**21.** Notwithstanding anything contained in this Act the Company may purchase and acquire an easement or right of constructing maintaining and using the works authorised by this Act in under or over any railways rivers navigations and commons and commonable lands without the Company being obliged or compellable to purchase any greater interest in under or over the same respectively.

Company may acquire certain easements compulsorily.

**22.**—(1) The Company may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

Company may acquire easements only in certain cases.

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



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(3) Provided always that nothing in this section contained shall authorise the Company to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Owners  
may be  
required  
to sell  
parts only  
of certain  
properties;

**23.**—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter in this section included in the term “ the owner ” and the said properties are hereinafter referred to as “ the scheduled properties ” ;
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise ;
- (c) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the arbitrator or other tribunal to whom the question of disputed compensation is referred



under the Lands Clauses Acts (in this Act referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed;

- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

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(g) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any premises.

Persons  
under  
disability  
may grant  
easements  
&c.

**24.** 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 Company 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 that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Compensa-  
tion in  
case of  
buildings  
recently  
erected.

**25.** In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and twenty-three if in the opinion of the tribunal the improvement alteration or building in

respect of which the claim is made was made with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Company of such lands.

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**26.** The powers of the Company 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.

**27.** All private rights of way over any lands which the Company are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Company be extinguished. Provided that the Company shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Extinction of private rights of way.

**28.** The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands and premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and premises.

Power to enter upon property for survey and valuation.

**29.** In addition to any other lands which the Company are by this Act authorised to take or purchase they may by agreement take purchase or lease and hold for the purposes of this Act and for the general purposes of their undertaking any lands not exceeding in the whole twenty acres but the Company shall not upon any such lands create or permit any nuisance and no buildings shall be erected on such lands except such as may be used for offices and dwellings for persons in their employ or such

Purchase of lands by agreement.

[Ch. lxii.] *Southend Waterworks* [14 & 15 GEO. 5.]  
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A.D. 1924. buildings and works as may be incidental to or connected with the purposes of their undertaking or the purposes of a farm.

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

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

(2) Provided that the Company shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor shall they 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 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 Company.

(3) The Company 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 Company are empowered to take from being polluted and the Company may for the purposes aforesaid carry any such drain sewer or watercourse under across and 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 Company may make and carry into effect agreements with the company of proprietors of the Chelmer and Blackwater Navigation Limited the mayor aldermen and burgesses of the borough of Chelmsford the rural district council of Chelmsford the Chelmsford Joint Sewerage Committee the urban district council of Witham the rural district council of Maldon and any owner lessee or occupier of any lands on or near the banks of the River Chelmer the River Ter or the River Blackwater for

the purpose of draining any such lands or for more effectually collecting conveying and preserving the purity of any waters which the Company are from time to time authorised to take.

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**31.** Notwithstanding anything in this or any other Act or Acts to the contrary the Company may retain hold and use for such time and for such purpose 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 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 the Southend Waterworks Acts 1879 to 1921 and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests 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.

Retention  
and disposal  
of lands.

**32.**—(1) If any person shall knowingly and wilfully discharge throw or put or cause or suffer to fall or flow—

Prohibition  
of throwing  
offensive  
matter &c.  
into rivers.

- (a) into the River Chelmer between the Sandford Lock and Rushes Lock;
- (b) into the River Ter within a distance of four hundred yards above the point of intake therein; or
- (c) into the River Blackwater between a point four hundred yards above the point of intake in Langford Cut and the sluice (No. 2) by this Act authorised

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 on summary conviction to a penalty not exceeding five pounds Provided that the exercise by the company of proprietors of the Chelmer and Blackwater Navigation Limited 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



A.D. 1924. the nature of the freights or the method of propulsion by means of which the same may be carried on the navigation of the said 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 of line or lines of pipes (No. 3) 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.

(2) The Company shall take all reasonable steps to acquaint the masters and persons in charge of barges boats and other vessels navigating any of the said rivers of the provisions of subsection (1) of this section.

Prevention  
of pollution  
of water.

**33.**—(1) For the prevention of the pollution of any waters over which the Company have any powers of user or of any watercourse through which any water may from time to time flow into any such waters the Company may with the consent of the county council and of the borough or district council in whose district such pollution occurs or subject to the provisions of this section of one of such councils if the other refuse such consent and decline to do the work themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Act 1875 and any Act amending the same with respect to any such waters and watercourses or in respect of any nuisance which may exist in proximity thereto and the Company with such consent as aforesaid shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exercisable by such county council borough or district council as the case may be under any enactment for the prevention of the pollution of any such water or watercourse or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply *mutatis mutandis* to the Company.

(2) If the county council and the borough or district council in whose district the pollution occurs or is likely to occur refuse or neglect for the space of one month after being requested by the Company by notice in writing under the hand of their secretary either to enforce



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the provisions of the said Acts or to consent to the enforcement thereof by the Company the Company may appeal to the Minister of Health who may give to them such consent and thereupon the Company may proceed to enforce the provisions of the said Acts.

(3) The Minister of Health upon the receipt of such appeal from the Company may direct any inquiries into the matter thereof to be held by his inspectors which he may deem necessary before giving such consent as aforesaid and his inspectors shall for the purposes of any such inquiry have all such powers as he has for the purposes of inquiries directed by the Minister of Health under the Public Health Act 1875 and the Corporation shall be entitled to be heard at any inquiry held in pursuance of this section.

(4) Any expenses incurred by the Minister of Health in relation to any inquiry under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector shall be paid by and recoverable from the Company or the county council or the borough or district council or partly from the one and partly from the others or either of them as the Minister of Health may determine.

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

(A) Sewage effluent from time to time discharged or permitted to flow into the Rivers Chelmer Ter and Blackwater or their respective tributaries at any point more than seven miles measured along the streams above any point of intake by this Act authorised shall not be required to conform to a higher standard of purity than is possessed by an effluent one gallon of which does not in three hours at a temperature of eighty degrees Fahrenheit absorb more than one grain of oxygen from permanganate of potash (which corresponds to the county council standard of ten) unless a higher standard of purity is adopted by the county council in which case any such sewage effluent may be required to conform to the county council standard as from time to time adopted;

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- (B) Where the discharge of polluted waters (other than trade waste) from any building farmyard manure pit cesspool or tank which is not connected with any sewerage system is at the passing of this Act permitted by a sanitary authority without objection from the county council but if continued is likely in the opinion of the Company to endanger the purity of the waters at any of the points of intake by this Act authorised the cost of constructing any works which may be required to be laid down under the powers of this section shall be borne by the Company;
- (C) If in pursuance of any requirement by the Company any expense is reasonably incurred by any owner or occupier of lands in fencing off any watering place for horses or cattle on any river or stream and in providing or maintaining a convenient alternative watering place and supplying or keeping the same supplied with water suitable for the needs of horses and cattle in order to prevent the pollution or the risk of pollution of any waters which the Company are by this Act authorised to take use or appropriate or which find their way into such last-mentioned waters such expense shall be repaid to such owner or occupier by the Company and may be recovered by such owner or occupier from the Company summarily as a civil debt;
- (D) Nothing in this section shall authorise the prohibition of the use of manures or fertilizers for the purpose of agricultural horticultural or market gardening operations so long as the same is stored in a covered building or at a greater distance than one hundred yards from the nearest river stream or watercourse or is stacked for immediate use in any field at a greater distance than twenty-five yards from the nearest river stream or watercourse and whether stored or stacked is on lands not liable to flooding and so long as the use of such manures or fertilizers does not cause the pollution of the water in any river stream or watercourse to such an extent as to infringe the rights of the riparian owners and occupiers thereon.

**34.** The Company shall from time to time take all such proceedings under the provisions of the section of this Act of which the marginal note is "Prevention of pollution of water" as may be necessary to prevent any sewage or other offensive or injurious matter whether solid or fluid from passing or flowing into the River Chelmer the River Ter or the River Blackwater down or through any sewer drain pipe or channel between the several points of intake by this Act authorised and points seven miles therefrom measured up the course of those rivers respectively.

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For prevention of sewage or other injurious matter passing into rivers.

**35.** Notwithstanding anything in this Act contained the following provisions shall have effect for the protection of the county council the Witham Urban District Council the mayor aldermen and burgesses of the borough of Maldon the Maldon Rural District Council the Chelmsford Rural District Council the Braintree Rural District Council and the Rochford Rural District Council (each of whom is in this section referred to as "the road authority") unless otherwise agreed in writing between the road authority and the Company:—

For protection of road authorities.

- (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 "fourteen" were substituted for the word "three" in that section:
- (2) The plan 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 road authority by the Company not less than fourteen days before the Company commence to open or break up any road of the road authority:
- (3) Where any work by this Act authorised is laid under any road repairable by the road authority the same shall be laid and maintained so far as reasonably practicable at the side of the road and so that the upper surface thereof is not less than two feet six inches below the surface of the road except in special cases where with the consent of the surveyor of the road authority (in this section referred to as "the surveyor") a less space may intervene and the trench shall be filled in and the surface of the road reinstated

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as far as possible with the same material as and kept level with the adjoining surface of the road in accordance with the reasonable requirements and to the reasonable satisfaction of the surveyor and the Company shall be liable to maintain and repair at their own expense and to the reasonable satisfaction of the surveyor the roadway over the trench for a period of twelve months from the date of the surface being reinstated as aforesaid or in lieu thereof and at the option of the road authority to repay to the road authority all reasonable expenses of and incident to the maintenance and repair thereof for the like period :

- (4) If within a period of twelve months after any work by this Act authorised has been laid in any such road and the Company shall themselves have reinstated the road any sinking or subsidence of the surface of the road due thereto shall occur the Company shall at their own expense make up the surface of the road to the satisfaction of the surveyor and if they fail to do so in seven days when required by the surveyor he may on giving the Company 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 Company to the road authority :
- (5) All works to be executed under the powers of this Act and any work of maintenance alteration or renewal of any such work or any existing work of the Company shall be so executed as not unnecessarily to stop up or unreasonably impede or interfere with the traffic over or along any such road and no main road shall be broken up for more than two hundred yards in any single length at any one time and no other road shall be broken up for more than four hundred yards in any single length at any one time :
- (6) No work shall be constructed or laid by the Company so as to interfere with the structure or foundations of any bridge or any culvert repairable by the road authority or any arch

connected with any such bridge or culvert except with the consent of the road authority and in a manner approved by them but such consent and approval shall not be unreasonably withheld :

- (7) The road authority shall not except in case of negligence be liable to the Company 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 Company shall indemnify the road authority from claims for damages that may be made against the road authority by reason of any sinking or subsidence of the road caused by the construction or failure of any work by this Act authorised :
- (8) If by reason of the construction of the works by this Act authorised any increased expense is reasonably incurred by the road authority in connection with the maintenance and repair of any such road bridge culvert or arch the increased expense so incurred shall be repaid by the Company to the road authority :
- (9) Any difference which arises under this section shall be referred to and be determined by arbitration subject to the provisions of the Arbitration Act 1889 and the arbitrator shall failing agreement be appointed by the President of the Institution of Civil Engineers on the application of either party.

**36.** For the protection of the company of proprietors of the Chelmer and Blackwater Navigation Limited (in this section referred to as "the navigation company" and "the canal" respectively) the following provisions shall unless otherwise agreed in writing between the navigation company and the Company have effect (that is to say) :—

For protection of Chelmer and Blackwater Navigation Company Limited.

- (1) Notwithstanding anything in this Act contained the Company shall not construct the sluice (No. 1) shown on the deposited plans and sections :



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- (2) The lip of the intake to the line or lines of pipes (No. 3) by this Act authorised shall not exceed seventy feet in length :
- (3) The navigation company may at the reasonable expense in all things of the Company—
- (A) at such time as shall be reasonably approved by the Company dredge the reach of the canal above Rushes Lock so as to give a uniform depth of five feet below the crest of the existing weir at Rushes Lock for a width of twenty feet throughout such reach; and
- (B) when the navigation company reconstruct Rushes Lock and Husketts Lock increase by four inches the depth of each such lock and the sills and gates thereof :
- (4) The navigation company shall when required in writing by the Company so to do with all reasonable despatch and at the reasonable expense of the Company provide and fix at Rushes Lock new upper and lower gates and cloughs with suitable apparatus for operating opening and closing the same :
- (5) Notwithstanding anything contained in this Act the Company shall not without the consent of the navigation company previously obtained purchase or acquire any of the lands or property of the navigation company but the Company may acquire and the navigation company shall grant easements or rights of constructing and maintaining the lines of pipes (No. 1) (No. 2) (No. 3) (No. 8) and (No. 9) and the sluice (No. 2) by this Act authorised (which lines of pipes and the works connected therewith are in this section referred to as "the authorised works") in under or over the canal works and property of the navigation company or the banks towing paths or lands under their jurisdiction subject to and in accordance with the provisions of this section :
- (6) The Company shall pay to the navigation company for any such easement or right as aforesaid such consideration as may be agreed upon



or in the event of difference as may be settled in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement : A.D. 1924.

- (7) Twenty-one days before the Company commence the construction of any of the authorised works the Company shall submit to the navigation company for their reasonable approval plans sections and other necessary particulars of the work and the Company shall not interfere with the canal or commence any such work until they shall have given to the navigation company seven 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 reasonably approved by the navigation 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 navigation company and under the superintendence of their engineer if such superintendence is given The Company shall (if for the time being the navigation company are not employing a salaried engineer) on demand pay to the navigation 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 authorised works :
- (8) The Company shall not under the provisions of this Act discharge into or permit to enter the canal 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 navigation company compensation for any damage or expense incurred by them in consequence of any neglect on the part of the Company to comply with the provisions of this subsection :
- (9) In addition to any sums payable to the navigation company under subsection (6) of this section the Company shall pay to the navigation

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company not less than six months before they commence to impound or divert any water under the powers of this Act the sum of seven thousand five hundred pounds :

- (10) If the navigation company desire to construct a by-pass or conduit for passing round Beeleigh Lock the water in the reach of the canal above to the reach of the canal below that lock the Company shall grant to the navigation company any easement necessary to enable them so to do and the Company shall on demand (but not earlier than six months before they commence to impound or divert water under the powers of this Act) repay to the navigation company the cost reasonably incurred by them in constructing the same and such by-pass or conduit and the passage of water through the same shall be under the sole control of the navigation company :
- (11) Before the date on which the Company commence to impound or divert water under the powers of this Act they shall acquire the properties known as Beeleigh Mill and Hoe Mill and from and after such date section 9 (Millers not to draw down the water below a certain height) of the Act 33 George III. cap. 93 shall in its application to the said mills respectively be read and have effect as if the words " nine inches " were inserted therein instead of the words " twenty-one inches " :
- (12) Except as by this Act expressly provided the powers rights privileges and authorities of the navigation company over or in respect of the canal and of the banks and towing paths thereof and the use of the waters therein shall remain in as full force and effect as if this Act had not been passed :
- (13) 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 therewith which may enure for the benefit of the navigation company :

- (14) If any difference shall arise between the Company and the navigation company under this section (except under subsection (6) thereof) the same shall be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers on 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 reference. A.D. 1924.

**37.** For the protection of John Mackworth Wood and Praed William Wood or other the owner or owners for the time being of the property in the parish of Little Baddow in the rural district of Chelmsford in the county of Essex known as Phillow's Farm (in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Company have effect (that is to say):—

For protection of owners of Phillow's Farm.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not purchase any lands of the owners but as respects any lands of the owners delineated on the deposited plans in which the Company require an easement for the purposes of the line or lines of pipes (No. 1) by this Act authorised the Company may at any time before the expiration of the period limited by this Act for the compulsory purchase of lands or any extension of that period which may be authorised by Parliament exercise the powers of the section of this Act of which the marginal note is "Company may acquire easements only in certain cases" as if subsection (3) of that section had been omitted therefrom and the provisions of the said section (other than the said subsection (3) thereof) shall apply and have effect accordingly Provided that any easement so acquired by the Company from the owners shall not extend to any greater width than thirty-three feet:
- (2) The rights reserved to the owners in respect of any lands in which the Company acquire any such easement as aforesaid shall include the right to construct place lay execute maintain

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- repair renew and use in across along over or under the said lands all such roads lines of rails fences sewers drains gas and water mains and pipes electric mains cables and apparatus as the owners may from time to time think fit :
- (3) Not less than one month before commencing to execute any work in through upon or over the lands of the owners the Company shall submit to the owners plans sections and particulars of the intended work (except in case of emergency when in lieu of submitting such plans sections and particulars the Company shall give to the owners such notice of their intention to commence such execution as may be reasonably practicable) and the Company shall not commence the execution of any such work until the plans sections and particulars thereof shall have been approved by the owners or settled by arbitration as hereinafter provided Provided that if the owners shall not within one month after the receipt by them of any such plans sections and particulars intimate to the Company any objection thereto they shall be deemed to have approved the plans sections and particulars as submitted to them by the Company :
- (4) The Company shall as far as reasonably practicable execute any work in through upon or over any arable land of the owners at such times and in such manner as not to affect injuriously the cropping of such land or the crops growing thereon :
- (5) When the Company shall commence the execution of any work in through upon or over any lands of the owners they shall proceed with such execution with all practicable dispatch and shall complete the same and restore the surface of the ground within the shortest practicable period :
- (6) At all times while any trench or excavation dug by the Company their contractors or agents upon the lands of the owners remains open the

Company shall keep such trench or excavation properly fenced and guarded and if any horses cattle or other live stock of the owners shall be killed or injured by falling into any such trench or excavation by reason of any negligence on the part of the Company the Company shall make full compensation to the owners therefor :

- (7) In filling in any trench or excavation dug by the Company upon the lands of the owners the Company shall use only the excavated material and shall replace the same in layers so that the condition of the subsoil shall be as nearly as practicable the same as before the trench or excavation was dug :
- (8) The Company shall to the reasonable satisfaction of the owners effectively restore and make good all land drains ditches and watercourses damaged altered or interfered with by the Company :
- (9) The Company and their contractors agents servants and workmen shall not make on the lands of the owners any road or means of approach to the site of the said line or lines of pipes otherwise than (a) within the limits of the easement acquired by them and (b) during and for the purposes of the construction of the said line or lines of pipes and shall not either before during or after such construction use any lands of the owners (except within the said limits) for the purpose of going to or coming from the site of the said line or lines of pipes :
- (10) All works of the Company in through upon or over any lands of the owners (including the restoration of the surface of the ground) shall be carried out to the reasonable satisfaction of the owners and under their superintendence if after reasonable notice from the Company they shall choose to attend or to be represented :
- (11) The Company shall pay to the owners the costs charges and expenses reasonably incurred by them in or in connection with the approval of plans sections and particulars and the supervision of the execution by the Company of their works :



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(12) The foregoing provisions of this section (other than subsections (1) (2) and (3) and in cases of emergency subsections (4) and (5) ) shall apply and have effect with reference to any work of repair maintenance renewal replacement or alteration of the said line or lines of pipes or the laying down of a substituted or additional line or lines of pipes and to any entry by the Company or their contractors agents servants or workmen on the lands of the owners for any such purpose as aforesaid or for any other purpose and the Company shall pay to the owners full compensation for all loss damage or injury sustained by them by reason or in consequence of the execution of any such work or of any such entry as is referred to in this subsection :

(13) If at any time the lands of the owners shall be injuriously affected by the bursting of or leakage from the said line or lines of pipes the Company shall make full compensation to the owners therefor :

(14) If any difference shall arise under the provisions of this section between the owners and the Company such difference shall be referred to and 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 Surveyors Institution and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For pro-  
tection of  
Ulting Wick  
Estate.

**38.** For the protection of Germyn Humphrey Bowen Davies his heirs executors administrators and assigns or other the owner for the time being of the estate known as Ulting Wick in the parish of Ulting in the county of Essex (all of whom are in this section referred to as "the owner") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the owner and the Company apply and have effect (that is to say) :—

(1) Before any sewage effluent is discharged or permitted to flow into the Chelmer and Blackwater Canal from the line or lines of pipes (No. 1) by

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this Act authorised the Company shall (a) serve upon the owner notice to treat in respect of an easement or right of constructing maintaining and using the line or lines of pipes (No. 3) by this Act authorised in and through the lands numbered on the deposited plans of the said line or lines of pipes (No. 3) 2 in the parish of Ulting and (b) take all such steps as may be necessary to prevent water in the said canal from flowing (except during times of flood) directly or indirectly into the pond (hereinafter referred to as "the said pond") situate in the enclosure numbered 25 in the parish of Ulting on the Ordnance map ( $\frac{1}{2500}$  scale):

- (2) The Company shall construct and maintain to the reasonable satisfaction of the owner a drinking trough of at least one hundred gallons capacity in such position in the field numbered 34 in the parish of Ulting on the said Ordnance map as the owner may reasonably require and in the event of the said pond becoming dry or containing insufficient water the Company shall as from the date upon which the Company commence to take any of the waters of the Rivers Chelmer and Ter or either of them supply to the said drinking trough and keep the same supplied by means of a pipe supply and ball-cock with a proper and sufficient supply of water for watering horses and cattle free of cost to the owner:
- (3) The Company shall construct and maintain to the reasonable satisfaction of the owner such drinking troughs each of at least fifty gallons capacity as may be necessary for affording a supply of water in or for each of the fields numbered 30 31 18 11 and 9 in the parish of Ulting on the said Ordnance map and as from the date upon which the Company commence to take any of the waters of the Rivers Chelmer and Ter or either of them the Company shall supply to each such drinking trough and keep the same supplied by means of a pipe supply and ball-cock with a proper and sufficient supply of water for watering horses and cattle free of cost to the owner:

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- (4) The Company shall before commencing to construct the lines of pipes (No. 2) and (No. 3) by this Act authorised erect to the reasonable satisfaction of the owner good and substantial fences sufficient to keep the cattle of the owner from drinking from the River Chelmer and from straying from the Ulting Wick Estate along the course of the River Ter and the Company shall repay to the owner any expense reasonably incurred by him in maintaining such fences :
- (5) If by reason of sewage effluent being discharged or permitted to flow into the Chelmer and Blackwater Canal from the said line or lines of pipes (No. 1) the well situate at Ulting Wick farmhouse shall become polluted the Company shall afford to the owner at the said farmhouse free of cost a supply of water in all respects equal in quality and quantity to that derivable by the owner from the said well at the date of the passing of this Act and for the purpose of affording a supply of water the Company shall be granted by the owner such reasonable facilities including facilities for the laying and alteration of mains and pipes through the property of the owner as may be agreed upon between the owner and the Company or in default of agreement settled by arbitration under this section :
- (6) Any difference which shall arise between the owner and the Company under this section shall be determined by an engineer to be appointed on the application of either party after notice in writing 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 such arbitration.

For protection of  
Rosmeade  
Estate.

**39.** For the protection of Captain Herbert Overton Long-Price his heirs executors administrators and assigns or other the owner for the time being of the estate known as Rosmeade in the parish of Ulting in the county of Essex (all of whom are in this section referred to as "the owner") the following provisions shall notwithstanding anything in this Act contained and unless

otherwise agreed in writing between the owner and the Company apply and have effect (that is to say) :—

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- (1) The Company shall construct and maintain to the reasonable satisfaction of the owner such ponds or drinking troughs each of at least fifty gallons capacity as may be necessary for the purpose of affording a supply of water in or for each of the fields numbered 69 75 76 78 and 113 in the parish of Ulting and 532 in the parish of Hatfield Peverel on the Ordnance map ( $\frac{1}{2500}$  scale) and as from the date upon which the Company commence to take any of the waters of the Rivers Chelmer and Ter or either of them they shall supply to the said ponds or troughs and keep the same supplied by means of a pipe supply and ball-cock with a proper and sufficient supply of water for watering horses cattle and sheep free of cost to the owner. Each such pond or trough shall be in such position as the owner may reasonably require but so as to allow the water supply to reach the same by gravitation from a point two feet below the crest of the weir by this Act authorised :
- (2) The Company shall before commencing to construct the line or lines of pipes (No. 2) by this Act authorised erect on the west side of the River Ter to the reasonable satisfaction of the owner a good and substantial fence along such part of the Rosmeade Estate as abuts upon the River Ter for preventing horses cattle sheep and pigs from straying from the said estate and the Company shall repay to the owner any expense reasonably incurred by him in maintaining such fence :
- (3) Any difference which shall arise between the owner and the Company under this section shall be determined by an engineer to be appointed on the application of either party after notice in writing 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 such arbitration.

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For pro-  
tection of  
Coopers  
Company.

40. For the protection of the master wardens and commonalty of the Worshipful Company of Coopers (in this section referred to as "the owners") the following provisions shall unless otherwise agreed in writing between the owners and the Company have effect (that is to say) :—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not purchase any lands of the owners but as respects any lands of the owners delineated on the deposited plans in which the Company require an easement for the purposes of the lines of pipes (No. 1) and (No. 9) by this Act authorised or either of them the Company may at any time before the expiration of the period limited by this Act for the compulsory purchase of lands or any extension of that period which may be authorised by Parliament exercise the powers of the section of this Act of which the marginal note is "Company may acquire easements only in certain cases" as if subsection (3) of that section had been omitted therefrom and the provisions of the said section (other than the said subsection (3) thereof) shall apply and have effect accordingly Provided that any easement so acquired by the Company from the owners shall not extend to any greater width than thirty-three feet :
- (2) The Company shall not in the execution of the works by this Act authorised or under any of the powers of this Act intercept abstract divert or interfere with any streams springs or waters rising in or upon or flowing to through over or under any lands of the owners (whether in a defined channel or not) and if by reason or in consequence of the execution of the said works or the exercise of any other of the powers of this Act done by the Company any such stream spring or water shall be prevented from continuing to rise or flow in the same manner as at the date of the passing of this Act or shall be diminished in volume the Company shall make full compensation to the owners in respect



thereof and for all loss or damage sustained by the owners thereby or in consequence thereof :

- (3) The rights reserved to the owners in respect of any lands in which the Company acquire any such easement as aforesaid shall include the right to construct place lay execute maintain repair renew and use in across along over or under the said lands all such roads lines of rails fences sewers drains gas and water mains and pipes electric mains cables and apparatus as the owners may from time to time think fit :
- (4) Not less than one month before commencing to execute any work in through upon or over the lands of the owners the Company shall submit to the owners plans sections and particulars of the intended work (except in case of emergency when in lieu of submitting such plans sections and particulars the Company shall give to the owners such notice of their intention to commence such execution as may be reasonably practicable) and the Company shall not commence the execution of any such work until the plans sections and particulars thereof shall have been approved by the owners or settled by arbitration as hereinafter provided Provided that if the owners shall not within one month after the receipt by them of any such plans sections and particulars intimate to the Company any objection thereto they shall be deemed to have approved the plans sections and particulars as submitted to them by the Company :
- (5) The Company shall as far as reasonably practicable execute any work in through upon or over any arable land of the owners at such times and in such manner as not to affect injuriously the cropping of such land or the crops growing thereon :
- (6) When the Company shall commence the execution of any work in through upon or over any lands of the owners they shall proceed with such execution with all practicable dispatch and shall

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complete the same and restore the surface of the ground within the shortest practicable period :

- (7) All works of the Company in through upon or over any lands of the owners (including the restoration of the surface of the ground) shall be carried out to the reasonable satisfaction of the surveyor of the owners and under his superintendence if after reasonable notice from the Company he shall choose to attend :
- (8) The Company shall pay to the owners the costs charges and expenses reasonably incurred by them in or in connection with the approval of plans sections and particulars and the supervision of the execution by the Company of their works :
- (9) If any difference shall arise under the provisions of this section between the owners or their surveyor on the one hand and the Company on the other hand such difference shall be referred to and 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 Surveyors Institution and subject as aforesaid the Arbitration Act 1889 shall apply to any such reference and determination.

For protection of Alfred Rosling's executors and Hugh Marriage.

**41.** For the protection of Alfred William Rosling Henry Rosling and George Miller Rosling executors of the will of Alfred Rosling deceased and devisees in trust for sale of the several farms and lands known as Cardfields and Gardners Farms with the brickyard and brickworks thereon all in the parish of Hatfield Peverel in the rural district of Braintree in the county of Essex (in this section together referred to as "the estate") and of Hugh Marriage lessee of part of the estate (all of whom are in this section referred to as and included in the expression "the owners") the following provisions shall unless otherwise agreed between the Company and the owners apply and have effect (that is to say) :—

- (1) Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Company shall not acquire by compulsion the

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estate or any part thereof but the Company may acquire an easement only through the estate subject to the provisions of the section of this Act whereof the marginal note is "Company may acquire easements only in certain cases":

- (2) If and when the water of the River Ter now used by the owners in connection with the estate shall be taken away or diminished by the works of the Company the Company shall forthwith and at their own cost provide and continue to provide the following namely:—

(A) When called upon to do so deliver daily into a tank a supply of water adequate for the use of the brick works but not exceeding one thousand five hundred gallons per day the tank to be placed in an agreed position upon the estate near to the road so as to allow the water supply to reach the tank by gravitation from a point two feet below the crest of the weir by this Act authorised and the water so supplied shall not be conveyed to any part of the estate by means of pipes Provided that if the tank be placed below the level of the ground the Company shall provide a pump for delivering the water into a water cart;

(b) By means of a trough or pond in or for each of the grass fields belonging to the owners abutting upon the said river below the weir proposed to be constructed across such river a sufficient and proper supply for watering the cattle and sheep which may be placed in such fields the troughs or ponds being so placed as to enable a supply of water thereto to flow by gravitation from a point two feet below the crest of the said weir:

- (3) If by reason of the construction of the said weir it becomes reasonably necessary to erect a fence in order to prevent cattle from straying from the lands of the owners to lands of adjoining owners the Company shall erect a good and substantial fence sufficient to keep horses cattle sheep and pigs from crossing the boundary along so much of the present course of the River

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Ter as forms the boundary of the property of the owners and the Company shall repay to the owners any expense reasonably incurred by them in maintaining such fence :

- (4) In case of any dispute arising between the Company and the owners under this section except under subsection (1) thereof such difference shall be determined by an arbitrator to be appointed upon the application of either of the parties by the President of the Surveyors Institution and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection  
of Sir  
Augustus  
Alexander  
Brooke  
Pechell  
Baronet.

**42.** For the protection of Sir Augustus Alexander Brooke Pechell Baronet or other the owner or owners for the time being of the Ulting Hall Farm Estate in the parish of Ulting (in this section referred to as "the owner") the following provision shall unless otherwise agreed in writing between the owner and the Company apply and have effect (that is to say) :—

Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not construct the line or lines of pipes (No. 3) by this Act authorised where the same passes through the Ulting Hall Farm Estate otherwise than in the line and situation marked in red on the plan signed in duplicate by the Right Honourable the Viscount FitzAlan of Derwent the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy has been deposited in the Parliament Office in the House of Lords and the other copy in the Private Bill Office of the House of Commons :

Provided that the Company shall be entitled at any time to enter upon and make reasonable use of the property numbered on the deposited plans of the said line or lines of pipes 17 in the parish of Ulting for the purpose of laying maintaining or enlarging the said line or lines of pipes where laid in the road adjoining the said property the Company doing as little damage as

may be and making full compensation for any damage which they may do in the execution of such powers. A.D. 1924.  
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**43.** For the protection of the Right Honourable and Reverend Frederick Ernest Charles Baron Byron and his successors in title and assigns or other the owner for the time being of the estate in the parishes of Langford and Ulting known as "the Langford Estate" (all of whom are in this section referred to as "the owner") the following provisions shall unless otherwise agreed between the Company and the owner have effect (that is to say) :—

For protection of Langford Estate.

- (1) In this section "the signed plan" means the plan signed in duplicate by Messieurs T. and C. Hawksley on behalf of the Company and Sir John Hubert Oakley on behalf of the owner of which plan one copy has been retained by the Company and the other by the owner:
- (2) (a) If the Company desire to acquire any part of the Langford Estate or any right or interest therein the Company shall purchase and the owner shall sell and convey to the Company the whole of the lands coloured pink green and blue on the signed plan subject to all existing leases agreements and tenancies affecting such lands :
- (b) The Company may also acquire and the owner shall if required so to do by the Company grant to the Company easements for constructing maintaining repairing inspecting and using the line or lines of pipes (No. 8) by this Act authorised in the positions of the red lines marked A.B. and C.D. on the signed plan Provided that the provisions of subsection (2) of the section of this Act of which the marginal note is "Company may acquire easements only in certain cases" shall apply with respect to any lands in which the Company may acquire any such easements as aforesaid :
- (3) Except as provided by subsection (2) of this section it shall not be lawful for the Company to enter upon acquire or use either permanently



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or temporarily any part of the Langford Estate or to purchase or acquire any right or interest of the owner otherwise than by agreement :

- (4) The Company shall pay to the owner for the lands and easements to be acquired by them under subsection (2) of this section such a sum as may be agreed between the Company and the owner or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement :
- (5) So long as the Maldon Golf Club remain in occupation of the Maldon Golf Course access to the golf courses along the existing track coloured green on the signed plan and of sufficient width for motor cars to pass shall be furnished by the Company without charge therefor but there shall be no obligation or liability on the part of the Company to make up or to maintain any roadway along the said track :
- (6) As from the acquisition by the Company of the mill known as "Langford Mill" and the mill pond and other property held therewith or any part thereof the following provisions shall have effect :—
  - (i) The Company shall so regulate the dam and gates connected with the mill that the level of water in the River Blackwater and mill pond above the mill at the point marked E on the signed plan shall not be reduced below the level of twenty-one decimal nineteen feet above Ordnance datum ;
  - (ii) The Company shall keep in proper repair to the reasonable satisfaction of the owner's surveyor the banks and sides of any watercourse stream or cut which forms the boundary of the lands coloured pink on the signed plan and shall also to the like satisfaction keep the surface water of any such watercourse stream or cut clear and free from weeds to such extent as may be necessary

for the proper flow of water along the same and  
the proper watering of horses and cattle  
thereat :

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(7) The Company shall execute all such drainage or other works upon the lands or premises which now form part of the Langford Estate as delineated on the signed plan and not acquired by them under subsection (2) of this section as are necessary for the prevention of pollution of the River Blackwater or other waters flowing over or through or alongside of the said estate Provided that the said drainage or other works shall be constructed in accordance with plans sections and particulars to be previously reasonably approved by the owner's surveyor and provided also that the owner and his lessees and tenants shall grant without payment therefor all necessary easements or facilities for the execution of such drainage or other works as aforesaid and shall not make any claim against the Company for any disturbance of the surface of any such lands which may be reasonably caused by the Company in the proper execution of the said works None of the provisions of the sections of this Act of which the marginal notes are "Prohibition of throwing offensive matter &c. into rivers" and "Prevention of pollution of water" shall apply or be put in force with reference to any part of the Langford Estate not acquired by the Company or to the owner or his lessees or tenants with respect thereto until all such drainage and other works as are required by this subsection have been duly completed :

(8) All buildings to be erected by the Company on any lands acquired by them under subsection (2) of this section shall be erected with due consideration to the amenities of the locality and of Langford Grove and all such buildings (other than temporary buildings during construction) shall be erected only in accordance with such elevations and general drawings as shall be previously reasonably approved by the owner's surveyor If the said surveyor shall fail to

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- signify his approval or disapproval of any such elevations or drawings within one month after the same have been submitted to him he shall be deemed to have approved the same :
- (9) The Company shall make full compensation to the owner and his lessees and tenants for any loss or damage he or they may sustain and for any charges or expenses he or they may be put to or incur by reason of the failure of any reservoir line of pipes tank or other work constructed under the powers of this Act :
- (10) The Company shall take all reasonable means for the prevention of trespass on the Langford Estate by persons in their employ or in that of their contractors :
- (11) The Company shall repay to the owner the reasonable costs fees and expenses of the owner's surveyors in respect of any services rendered or work performed by them for the purposes of or in connection with the provisions of this section :
- (12) Any difference which shall arise under this section between the Company and the owner or the said surveyor shall except where otherwise expressly provided be referred to a single arbitrator to be appointed on the application of the Company or the owner by the President of the Surveyors Institution and subject thereto the provisions of the Arbitration Act 1889 shall apply to the reference.

For protection of London and North Eastern Railway Company.

44. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the railway company") shall unless otherwise agreed in writing between the Company and the railway company apply and have effect (that is to say) :—

- (1) Notwithstanding anything contained in this Act the Company shall not without the consent of the railway company previously obtained purchase or acquire any of the lands or property of the railway company but the Company may acquire and the railway company shall grant

an easement or right of constructing and maintaining the lines of pipes (No. 8) and (No. 9) by this Act authorised (which lines of pipes and the works connected therewith are hereinafter referred to as "the authorised works") under the railways works and property of the Company subject to and in accordance with the provisions of this section :

- (2) The Company shall pay to the railway company for any such easement or right as aforesaid such consideration as may be agreed upon or in the event of difference as may be settled in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement :
- (3) The construction maintenance repair and renewal of the authorised works through or under any railway or other property of the railway company or in any way affecting the structure of any bridge over or under such railway shall be constructed and maintained in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the railway company and under his direction and superintendence (if given) and where the authorised works pass under the railway the same shall be placed in a culvert of sufficient dimensions to permit the same being relaid or repaired without interference with the railway and so that the top of such culvert shall in no case be nearer the bottom of the rails of the railway than two feet six inches Provided that if the said engineer shall not approve or disapprove any plans sections or specifications so submitted to him within twenty-eight days after such submission he shall be deemed to have approved thereof :
- (4) The Company shall with all despatch restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the railway company including any road which the railway company is liable to maintain or repair so far as the same may be disturbed or interfered with by or in connection with the

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- authorised works and shall to the like satisfaction maintain any such road for three months after such restoration and for such further period (not being more than twelve months in the whole) as shall be reasonably necessary :
- (5) If the railway company so elect they may themselves execute and maintain so much of the authorised works (other than the actual laying down and maintenance of the pipes) as will be situate on the property of the railway company and may recover from the Company the reasonable expenses incurred by the railway company in connection therewith :
- (6) The authorised works shall be constructed and maintained so as not to cause any injury or damage to the railway or other property of the railway company or any interruption to the passage or conduct of traffic over such railway and if any such injury damage or interruption arises from the acts or operations of the Company or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the railway company at the reasonable expense of the Company and the Company shall indemnify the railway company from all claims for or arising out of any such injury damage or interruption :
- (7) In the event of the Company failing to maintain the authorised works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the railway company may make good the same and make and do in and upon the lands of the Company or their own lands all such repairs and things as may be reasonably requisite and recover from the Company the reasonable expenses incurred by them in connection therewith :
- (8) If by reason of the construction or maintenance of the authorised works it shall become necessary to reconstruct alter strengthen underpin or in anywise interfere with the structure of any bridge embankment or other work of the



railway company such reconstruction alteration strengthening or underpinning shall be carried out by the railway company at such times and in such manner as they may think expedient or necessary and the reasonable cost thereof shall be borne and paid by the Company :

- (9) If by reason of the authorised works it shall become necessary to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the railway company the railway company may effect such alterations and the Company shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (10) The Company shall bear and on demand pay to the railway company the reasonable expense incurred by the railway company of and in connection with the superintendence by the said engineer of the authorised works and of and in connection with the employment by the railway company during the carrying out of any works of construction maintenance repair or renewal of the authorised works under or across the railway of the railway company of a sufficient number of inspectors watchmen and signalmen to be appointed by the railway company for watching and protecting the railway of the railway company and the conduct of the traffic thereon with reference to and during the carrying out of any such works 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 Company or their contractors or any person or persons in the employ of the Company or their contractors :
- (11) If at any time it shall be found necessary in order to enable the railway company in the exercise of their existing powers to carry out any alterations widenings or extensions of their railway or works or to adapt their railway for working by electrical power that the position of the authorised works shall be altered the Company shall on receiving notice in writing

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from the railway company so to do at the Company's own cost and with all despatch alter the position of the same so far as may be necessary to enable the railway company to carry out such alterations widenings extensions or adaptation and the provisions of this section shall apply to the authorised works in their altered position :

(12) Any additional expense which the railway company may reasonably and properly incur in connection with their railway or other works by reason of the existence of the authorised works shall be paid by the Company :

(13) If any difference shall arise between the company and the railway company under the preceding subsections (except subsection (2) hereof) the same shall be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers on 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 reference.

As to  
supply of  
water to  
Maldon  
Rural  
District  
Council.

**45.**—(1) From and after the completion of the line or lines of pipes (No. 9) by this Act authorised and so long as the Company shall continue to use the same the Company if and when required so to do by the Maldon Rural District Council (in this section referred to as "the council") shall supply water in bulk to the council for use in the Maldon rural district in such daily quantity not exceeding eighty thousand gallons as the council may from time to time require.

(2) Such supply shall be delivered from the line or lines of pipes (No. 9) by this Act authorised at such point or points (not exceeding three) as may be agreed upon between the Company and the council.

(3) The council shall pay to the Company for all water supplied under this section at the rate of such sum per thousand gallons as shall be equal to the prime cost to the Company per thousand gallons of water delivered from the works authorised by this Act into the Oakwood reservoirs of the Company together with the addition of a sum equal to fifteen per centum of the said prime cost

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The said prime cost in respect of any period shall be ascertained by dividing the total expenditure of the Company during such period on revenue account inclusive of loan and interest charges (but exclusive of all head office establishment charges) so far as such expenditure is incurred on or in connection with the works for delivering the waters of the Rivers Chelmer Ter or Blackwater into the said reservoirs by the quantity of water pumped during such period. Provided that (a) the sum per thousand gallons to be paid by the council for water supplied to them during the period from the commencement of such supply to the twenty-fifth day of December then next ensuing shall be estimated by the Company on the basis aforesaid and as soon as the actual sum per thousand gallons to be paid in accordance with the provisions of this section in respect of that period is ascertained from the accounts for the year ended the thirty-first day of December in that year any necessary adjustment shall be made and the Company shall thereupon repay to the council any sum overpaid by them or the council shall pay to the Company any balance due as the case may be and (b) the sum per thousand gallons to be paid for water supplied during each subsequent year shall be that ascertained in accordance with the provisions of this section from the accounts for the year ended the previous thirty-first day of December and as soon as the actual sum to be paid per thousand gallons in respect of each year is ascertained as aforesaid any necessary adjustment shall thereupon be made in manner aforesaid.

(4) All water to be taken by the council shall be measured at every point at which it is taken by a meter or other apparatus to be provided and maintained by the Company and let by them to the council upon such terms as may be agreed upon by their respective engineers. Every such meter shall be placed in some suitable chamber or building and on a site to be provided and maintained by the council and every such meter and chamber and all pipes valves and other apparatus connecting the meter with the line of pipes from which the water is taken shall be fixed and constructed by the Company at the cost of the council. The Company and their engineers servants and workmen shall be entitled at all times to access to the valves and meters for the purpose of examination and recording the registration and of effecting

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A.D. 1924. at the cost of the council such repairs adjustments and  
— replacements thereof as may be necessary.

(5) The Company shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council if such failure shall be occasioned by frost unusual drought strikes or any cause beyond the control of the Company or during any time when the works of the Company shall be undergoing necessary repairs renewals or cleansing.

(6) All payments for the water supplied under this section shall be payable quarterly on the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September and the twenty-fifth day of December in every year.

(7) Any dispute question or difference between the Company and the council or their respective engineers under this section shall unless otherwise agreed be referred to a single arbitrator appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(8) The Company and the council may agree in writing for any variation or alteration in the provisions of this section Provided that no variation or alteration of the provisions of subsection (1) of this section shall be agreed to by the Company except with the consent of the corporation.

As to  
supply of  
water to  
Maldon  
Corpora-  
tion.

**46.**—(1) From and after the completion of the line or lines of pipes (No. 9) by this Act authorised and so long as the Company shall continue to use the same the Company if and when required so to do by the mayor aldermen and burgesses of the borough of Maldon (in this section referred to as "the corporation") shall supply water in bulk to the corporation for use in the borough of Maldon in such daily quantity as the corporation shall require Provided that the corporation shall not require the Company to supply and the Company shall not be under any obligation to supply to the corporation under the provisions of this section a greater quantity of water per day than that which when added to the quantity of water then reasonably capable of being obtained by the corporation from their existing local

sources of supply will make up twenty-seven gallons per day per head of the population actually for the time being receiving a supply from the corporation.

A.D. 1924.

(2) Such supply shall be delivered from the line or lines of pipes (No. 9) by this Act authorised at a point within the borough of Maldon to be agreed upon between the Company and the corporation.

(3) The provisions of subsections (3) to (8) of the section of this Act of which the marginal note is "As to supply of water to Maldon Rural District Council" shall apply and have effect to and in respect of any supply of water given to the corporation by the Company under the provisions of this section as if the same were enacted in this section and in construing those subsections as so applied the expression "the council" therein used shall mean the corporation as defined by this section.

**47.**—(1) From and after the completion of the line or lines of pipes (No. 9) by this Act authorised and so long as the Company shall continue to use the same the Company if and when required so to do by the Chelmsford Rural District Council (in this section referred to as "the council") shall supply water in bulk to the council for use in the parishes of Little Baddow Danbury East Hanningfield Rettendon Runwell Sandon Woodham Ferris Great Baddow West Hanningfield and South Hanningfield in the Chelmsford Rural District in such daily quantity as the council shall require Provided that the council shall not require the Company to supply and the Company shall not be under any obligation to supply to the council under the provisions of this section a greater quantity of water per day than that which when added to the quantity of water then reasonably capable of being obtained by the council from their local sources of supply will make up twenty gallons per day per head of the population actually for the time being receiving a supply from the council.

As to  
supply of  
water to  
Chelmsford  
Rural  
District  
Council.

(2) Such supply shall be delivered from the line or lines of pipes (No. 9) by this Act authorised at a point in or within a reasonable distance from the Chelmsford Rural District to be agreed upon between the Company and the council.



A.D. 1924.

(3) The provisions of subsections (3) to (8) of the section of this Act of which the marginal note is "As to supply of water to Maldon Rural District Council" shall apply and have effect to and in respect of any supply of water given to the council by the Company under the provisions of this section as if the same were enacted in this section and in construing those subsections as so applied the expression "the council" therein used shall mean the council as defined by this section.

As to  
supply of  
water to  
Witham  
Urban  
District  
Council.

48.—(1) From and after the completion of the line or lines of pipes (No. 9) by this Act authorised and so long as the Company shall continue to use the same the Company if and when required so to do by the Witham Urban District Council (in this section referred to as "the council") shall supply water in bulk to the council for use in the district of the council in such daily quantity as the council may from time to time require. Provided that the council shall not require the Company to supply and the Company shall not be under any obligation to supply to the council under the provisions of this section a greater quantity of water per day than that which when added to the quantity of water then reasonably capable of being obtained by the council from their existing local sources of supply will make up twenty gallons per day per head of the population actually for the time being receiving a supply from the council.

(2) Such supply shall be delivered from the said line or lines of pipes (No. 9) at such point as may be agreed upon between the Company and the council and at the pressure at which it will flow from the Oakwood service reservoir of the Company.

(3) The provisions of subsections (3) to (8) of the section of this Act of which the marginal note is "As to supply of water to Maldon Rural District Council" shall apply and have effect to and in respect of any supply of water given to the council by the Company under the provisions of this section as if the same were enacted in this section and in construing those subsections as so applied the expression "the council" therein used shall mean the council as defined by this section.

49. The following provision for the protection and benefit of the mayor aldermen and burgesses of the borough of Chelmsford (in this section referred to as "the corporation") shall unless otherwise agreed in writing between the Company and the corporation apply and have effect (that is to say):—

A.D. 1924.  
—  
For pro-  
tection  
of Chelms-  
ford Cor-  
poration.

If the corporation at any time hereafter make application to Parliament or the Minister of Health for an Act or a Provisional Order (as the case may be) for enabling them to pump by means of Work No. 4 authorised by the Chelmsford Corporation Water Act 1923 for use within the present limits for the supply of water by the corporation or in pursuance of any obligation of the corporation under the provisions of the said Act an amount of water derived from the River Chelmer not exceeding five hundred thousand gallons in any one day of twenty-four hours (such quantity being in addition to any water which the corporation are authorised to pump by means of the said Work No. 4 under the provisions of the said Act) the Company shall not oppose such application otherwise than for the purpose of obtaining the insertion in such Act or Order of clauses for the protection of the Company.

50. The following provisions for the protection of the Chelmsford Rural District Council (in this section referred to as "the council") shall notwithstanding anything in this Act contained apply and have effect except so far as may be otherwise agreed in writing between the council and the Company:—

For pro-  
tection of  
Chelmsford  
Rural  
District  
Council.

- (1) If and whenever the council give a notice to the Company that they desire the Company to dispose of the sewage from the parishes of Springfield Boreham Great Baddow Sandon Danbury and Little Baddow in the district of the council or from any of such parishes or any area therein specified in such notice the council as from the date when the line or lines of pipes (No. 1) by this Act authorised has been completed and brought into operation

A.D. 1924.

shall be entitled without any payment (except as in this section expressly provided) to make a communication with the said line or lines of pipes (either direct or through sewers of the council already communicating therewith) for the purpose of disposing of the effluent specified in such notice purified so as to comply with the standard which may from time to time be adopted by the county council and the Company shall receive and dispose of such purified effluent and indemnify the council from all claims and demands in respect thereof :

- (2) Every notice given under subsection (1) of this section shall be accompanied by a plan showing the area the purified effluent wherefrom is proposed to be discharged into the said line or lines of pipes and also by plans and sections of the sewers by which the purified effluent from such area is to be conveyed into that work and such plans and sections shall show the proposed place of communication with the said line or lines of pipes and the level at such place of the sewer of the council by which the communication is to be made :
- (3) The communications between the sewers of the council and the said line or lines of pipes shall be made by the Company at the expense of the council and such communications shall be made by the Company with all reasonable despatch and with due regard to economy and shall when made be wholly under the control of the Company and the Company shall at their own cost be at liberty at any time to alter such communications Provided that the control of the Company shall be so exercised as not unreasonably to interfere with the rights of the Council :
- (4) The council shall not be entitled to cause or permit to pass into the said line or lines of pipes any matter or substance by which the free flow of purified effluent or surface or storm water would be interfered with or by which any such sewer might be injured :

A.D. 1924.

- (5) The council shall so far as practicable prevent storm or surface and subsoil water from flowing through the sewers and branch sewers belonging to them into the said line or lines of pipes :
- (6) The council shall so far as practicable restrict the flow into the said line or lines of pipes from any sewer of the council connected therewith under the provisions of this section so that it shall at no time exceed the rate of thirty gallons per head per day of the population draining into such sewer :
- (7) The Company shall construct and from time to time enlarge maintain and keep at their own expense the said line or lines of pipes and all communications therewith made by them with the sewers of the council in a good and sufficient state of repair and properly flushed so that the same may be in a fit and proper condition to receive and clear and capable of receiving and clearing all purified effluent which from time to time may lawfully be discharged into the said line or lines of pipes under the provisions of this section :
- (8) Any difference between the Company and the council or their respective engineers under this section shall be referred to a single arbitrator to be appointed by the Minister of Health on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

**51.** The following provisions for the protection of the Maldon Rural District Council (in this section referred to as "the council") shall notwithstanding anything in this Act contained apply and have effect except so far as may be otherwise agreed in writing between the council and the Company :—

For protection  
of Maldon  
Rural  
District  
Council.

- (1) If and whenever the council give a notice to the Company that they desire the Company to dispose of the sewage from the parishes of Great Braxted Little Braxted Wickham Bishops Great Totham Ulting and Langford in the district of the council or from any of such parishes or any area therein specified in such

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notice the council as from the date when the line or lines of pipes (No. 8) by this Act authorised has been completed and brought into operation shall be entitled without any payment (except as by this section provided) to make at any point south of Wickham Hall in the parish of Wickham Bishops a communication with the said line or lines of pipes (either direct or through sewers of the council already communicating therewith) for the purpose of disposing of the effluent specified in such notice purified so as to comply with the standard which may from time to time be adopted by the county council and the Company shall receive and dispose of such purified effluent and indemnify the council from all claims and demands in respect thereof :

- (2) The provisions of subsections (2) to (8) of the section of this Act of which the marginal note is " For protection of Chelmsford Rural District Council " shall apply and have effect as if the same were enacted in this section and in construing those subsections as so applied the expression " the council " therein used shall mean the council as defined by this section.

Extension  
of time  
for com-  
pletion  
of certain  
works.

**52.** The time limited by the Southend Waterworks Act 1910 for the completion of the Laindon Dunton Hall Dunton Wayletts Billericay Brands and Swallows Cross pumping stations by that Act authorised is hereby extended for a period of five years from the twenty-sixth day of July one thousand nine hundred and twenty-five and the said Act shall be read and have effect as if the said time as so extended had been the time limited by the said Act for the completion of the said works.

Extension  
of limits of  
supply.

**53.** The limits within which the Company may supply water and exercise the powers conferred upon them by the Southend Waterworks Acts 1879 to 1924 shall extend to and include the parish of Fobbing in the rural district of Orsett in the county of Essex and so much of the parish of Buttsbury in the rural district of Chelmsford in the said county as lies to the south of the stream flowing into the River Wid at a point about five hundred and twenty yards south of Elmbrook Farmhouse in the



said parish and within and throughout such extended limits the Southend Waterworks Acts 1879 to 1924 and all byelaws and regulations made thereunder shall henceforth for all purposes be in full force and have effect.

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**54.** For the protection of the Orsett Rural District Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed between the Company and the council apply and have effect (that is to say):—

For  
protection  
of Orsett  
Rural  
District  
Council.

- (1) On the twenty-ninth day of September one thousand nine hundred and twenty-four the Company shall pay to the council the sum of three hundred and fifty pounds and thereupon all mains pipes valves hydrants washouts and apparatus used or belonging to the council in connection with the supply of water in the parish of Fobbing shall be transferred to and thenceforth vested in the Company as part of their undertaking freed and discharged from all charges debts and liabilities upon or affecting the same:
- (2) The hydrants or fire-plugs existing on the said date within the parish of Fobbing shall be deemed to be fire-plugs within the meaning of sections 38 to 40 of the Waterworks Clauses Act 1847.

**55.**—(1) The Company shall not be bound to supply with water otherwise than by measure—

Supply to  
houses  
partly used  
for trade  
&c.

- (a) 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
- (b) any workhouse hospital (whether public or private) school club hotel restaurant public-house inn or common lodging-house; or
- (c) any public institution which is habitually occupied by at least twelve persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Company may require that the supply for farming purposes shall be taken by measure but nothing in this section shall authorise the Company to

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A.D. 1924. — refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

Minimum charge for supplies by measure.

**56.**—(1) The minimum quarterly charge (exclusive of meter rent) for a supply of water to any premises by measure for domestic purposes or to any of the premises referred to in the section of this Act of which the marginal note is "Supply to houses partly used for trade &c." shall be one-fourth of the annual amount which would be payable according to the rate for the time being in force for a domestic supply to a dwelling-house of the same annual value.

(2) The minimum quarterly charge (exclusive of meter rent) for a supply of water to any premises by measure for any other purposes shall be forty shillings.

Purchase of water in bulk.

**57.** The Company may enter into and carry into effect agreements made with any water authority company body or person supplying water under parliamentary authority for the purchase of water in bulk by the Company for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Company for the purposes of their undertaking.

Power to Company to repair communication pipes.

**58.** If in the opinion of the Company any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe it shall be lawful for the Company to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Company for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Company 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 in like manner as the water rates in respect of the premises are recoverable. Provided that except in case of emergency the Company shall not under the powers of this section enter into any house or private premises unless they shall have given notice to the

occupier of such house or premises and in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

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—

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

Agreements as to repair of communication pipes.

**60.** The Company may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such dwelling-house for a period of twenty-four hours and the Company shall not be required to supply any such dwelling-house until the same is provided with a cistern in conformity with the requirements of this section.

Cisterns to be provided for high level supplies.

**61.** Every person who shall wilfully (without the consent of the Company) or negligently close or shut off any valve cock or other work or apparatus belonging to the Company whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Company) be liable on summary conviction to a penalty not exceeding five pounds and the Company 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.

Penalty for closing valves and apparatus.

**62.** The provisions of section 28 of the Southend Waterworks Act 1907 section 37 of the Southend Waterworks Act 1910 and section 23 of the Southend Waterworks Act 1915 in so far as they limit the rate of dividend on the unissued ordinary capital of the Company are hereby repealed but the Company shall not in any year pay out of their profits any larger dividend on any ordinary

Alteration of limit of dividend on unissued ordinary capital.

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Act, 1924.

A.D. 1924. — capital which may be hereafter issued under the powers of the said Acts than at such rate not exceeding seven per centum as the directors of the Company may determine at the time or times of the creation or issue of such capital unless a larger dividend be at any time necessary to make up a deficiency of any previous dividend which shall have fallen short of such rate as so determined.

Power to borrow in respect of authorised capital.

**63.**—(1) The Company may without being required to obtain a certificate of a justice under section 40 of the Companies Clauses Consolidation Act 1845 borrow on mortgage of their undertaking in respect of their issued capital and in addition to the moneys which they are now authorised to borrow in respect of such capital any sum or sums not exceeding in the whole one hundred and eighty-four thousand two hundred and ninety-six pounds fifteen shillings being the amount necessary to increase their borrowing powers in respect of such capital to one-half of the amount thereof.

(2) The Company may subject to the provisions of this Act borrow on mortgage of their undertaking in respect of their authorised but unissued capital and in addition to the moneys which they are now authorised to borrow in respect of such capital any sum or sums not exceeding in the whole forty-five thousand seven hundred and three pounds five shillings (being the amount necessary to increase their borrowing powers in respect of such capital to one-half of the amount thereof) but no part of such sum of forty-five thousand seven hundred and three pounds five shillings shall be borrowed until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the stock or shares in respect of which it is borrowed together with the premium (if any) realised on the sale thereof have been fully paid up.

Power to Company to raise additional capital.

**64.** The Company may from time to time raise additional capital not exceeding in the whole six hundred thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds Provided that it shall not be lawful for the Company to create and issue under the

powers of this Act any greater nominal amount of capital than shall after taking into account the premiums or discounts (if any) which may be obtained or allowed respectively on the issue thereof be sufficient to produce the sum of six hundred thousand pounds. A.D. 1924

**65.** Except as is by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company. Incidents of new shares or stock.

**66.** Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be. Dividends on new shares or stock.

**67.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned. Restrictions as to votes in respect of preference shares or stock.

**68.** The Company shall not in any year pay out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than at such rate not exceeding seven per centum as the directors of the Company may determine at the time or times of the creation or issue of such capital unless a larger dividend be at any time necessary to make up a deficiency of any previous dividend on any portion of such capital as may be issued as ordinary capital which shall have fallen short of such rate as so determined. Profits of Company on additional capital limited.

**69.**—(1) All shares or stock in the additional capital created under the powers of this Act shall subject to the provisions of this Act be issued in accordance with the provisions of this section. New shares or stock to be sold by auction or tender.



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(2) All shares or stock so to be issued shall be offered for sale by public auction or tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine. Provided as follows:—

- (A) Notice of the intended sale shall be given in writing to the town clerk of the borough of Southend-on-Sea to the clerk of each local authority within the limits for the supply of water by the Company and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders as the case may be and shall also be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits of supply:
- (B) A reserve price shall be fixed and notice thereof shall be sent by the Company in a sealed letter to be received by the Board of Trade not less than twenty-four hours before but not to be opened till after the day of auction or last day for the receipt of tenders as the case may be:
- (C) No lot offered for sale shall comprise shares or stock of greater nominal value than one hundred pounds:
- (D) In the case of a sale by tender no preference shall be given to one of two or more persons tendering the same sum. In the case of a sale by auction a bid shall not be recognised unless it is in advance of the last preceding bid:
- (E) It shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the Company within three months after the date of the auction or of the acceptance of the tender as the case may be.

(3) Any shares or stock which have been so offered for sale and are not sold may be offered at the reserve price to the holders of ordinary and preference shares or stock of the Company in accordance with the provisions of sections 18, 19, and 20 of the Companies' Clauses Act 1863 and to the employees of the Company and to the consumers of water supplied by the Company in such

A.D. 1924.

proportions as the Company may think fit or to one or more of these classes of persons only. Provided in the case of an offer to holders of shares or stock that if the aggregate amount of shares or stock applied for shall exceed the aggregate amount so offered as aforesaid the same shall be allotted to and distributed amongst the applicants as nearly as may be in proportion to the amounts applied for by them respectively.

(4) Any shares or stock which have been offered for sale in accordance with subsection (2) or with subsections (2) and (3) of this section and are not sold shall be again offered for sale by public auction or by tender in accordance with the provisions of this section and any such shares or stock then remaining unsold may be otherwise disposed of at such price and in such manner as the directors may determine for the purpose of realising the best price obtainable.

(5) As soon as possible after the conclusion of the sale or sales the Company shall send a report thereof to the Board of Trade stating the total amount of the respective shares or stock sold the total amount obtained as premium (if any) and the highest and lowest prices obtained for the respective shares or stock.

**70.** Notwithstanding anything in the Southend Waterworks Acts 1879 to 1924 the Company may with the consent of the Board of Trade and subject to such conditions as that Board may think fit to impose offer for subscription by the public the whole or any part of any ordinary or preference capital which is issued by the Company after the passing of this Act.

Power to offer unissued capital by subscription.

**71.** All moneys raised under this Act or any other Act relating to the Company including premiums (after deducting from such moneys the expenses of and incidental to the issue of shares or stock under the provisions of any such Act) shall be applied only to purposes to which capital is properly applicable and any sum of money which may arise by way of premium from the issue of such shares or stock shall not be considered as part of the capital of the Company entitled to dividend.

Application of money.

**72.** The Company may subject to the provisions of this Act borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-half part of the amount of the additional capital which at the

Power to borrow.

A.D. 1924.

time of borrowing has been raised under the powers of this Act. But no sum shall be borrowed in respect of any capital so raised until the Company have proved to a justice before he gives his certificate under section 40 of the Companies Clauses Consolidation Act 1845 that the whole of the stock or shares at the time issued together with the premium (if any) realised on the sale thereof have been fully paid up.

Existing mortgages to have priority.

**73.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

For appointment of receiver.

**74.** Section 28 (For appointment of receiver) of the Southend Waterworks Act 1915 is by this Act repealed but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provision prior to the passing of this Act and in lieu thereof the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

**75.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 and of section 34 of the Southend Waterworks Act 1879.

Issue of redeemable preference capital and debenture stock.

**76.**—(1) The Company may create and issue all or any of the preference stock and all or any debenture stock which they are by this Act authorised to create and issue so as to be redeemable on such terms and conditions as may be specified in a resolution of the Company passed by a special meeting convened for the purpose.

(2) If it is so provided in the resolution the Company may— A.D. 1924.

(a) call in and pay off the stock or any part thereof at any time before the fixed date of redemption; and

(b) redeem the stock or any part thereof either by paying off the stock or by issuing to any stockholder subject to his consent other stock in substitution therefor and may for the purpose of providing money for paying off the stock or of providing substituted stock create and issue new stock (either redeemable or irredeemable) or re-issue stock originally created and issued under this section. Provided that the creation and re-issue for the purpose of any particular class of stock does not make the total nominal amount of such stock exceed the amount of that class of stock which the Company are for the time being authorised to create save so far as such creation and issue is for the purpose of paying off stock created and issued under the provisions of this section or of providing stock substituted for the same thereunder.

(3) The Company shall not redeem out of revenue any preference stock or debenture stock created under this section.

**77.** All money to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken

Priority  
of money  
raised on  
mortgage or  
debenture  
stock.

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A.D. 1924. — used or occupied by the Company for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred upon the Company.

Interest  
out of  
capital  
during  
construc-  
tion.

**78.**—(1) Notwithstanding anything in the Southend Waterworks Acts 1879 to 1924 or any Act incorporated therewith the Company may until the completion of the works by this Act authorised or during such less period as the directors may determine charge to capital account interest at such rate not exceeding six pounds per centum per annum as the directors may determine on the amount from time to time paid up by any shareholder or stockholder on any shares or stock of the Company held by him which is applied for the purposes of the said works subject to the conditions hereinafter stated (that is to say) :—

- (a) No such interest shall begin to accrue in respect of any such shares or stock until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two-thirds at least of the shares or stock in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders or stockholders who or whose executors administrators or assigns are legally liable for the same;
- (b) The aggregate amount to be so paid for interest shall not exceed sixty-five thousand pounds;
- (c) Notice that the Company have power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares or stock and in every certificate of shares or stock;
- (d) The yearly accounts of the Company shall show the amount and class of shares and stock on which and the rate at which interest thereon has been paid in pursuance of this section.

Save as is in this section set forth no interest shall be paid out of any capital which the Company are by this Act or any other Act authorised to raise.



**79.** The Company may apply to any of the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares stock debenture stock or mortgage under and by virtue of the Southend Waterworks Acts 1879 to 1921 and which may not be required for the purposes to which they are by any of those Acts made specially applicable.

A.D. 1924.  
—  
Applica-  
tion of  
funds.

**80.** Where the payment of more than one sum by any person is due under this Act or any other Act from time to time relating to the Company any summons or warrant issued for the purposes of any of those Acts in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several  
sums in one  
summons.

**81.** Except where otherwise expressly provided all offences against this Act or any other Act from time to time relating to the Company and all penalties forfeitures costs and expenses imposed or recoverable thereunder 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.

Recovery  
of penalties  
&c.

**82.** Proceedings for the recovery of any demand made under the authority of this Act or any other Act from time to time relating to the Company 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.

Recôvery  
of demands.

**83.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other Act from time to time relating to the Company by reason of his being liable to any rate.

Judges not  
disqualified.

**84.** Penalties imposed under this Act or any other Act from time to time relating to the Company and the Acts wholly or in part incorporated therewith for one and the same offence shall not be cumulative.

Penalties  
not cumu-  
lative.

[Ch. lxii.] *Southend Waterworks* [14 & 15 GEO. 5.]  
Act, 1924.

A.D. 1924.

Repeal.

**85.** The following sections of the Southend Waterworks Act 1915 are hereby repealed namely—

Section 36 (Several sums in one summons);

Section 37 (Recovery of penalties &c.);

Section 38 (Recovery of demands);

Section 39 (Judges not disqualified); and

Section 40 (Penalties not cumulative).

Saving  
rights of  
riparian  
and other  
owners.

**86.** Save as expressly provided by or in pursuance of this Act nothing in this Act contained shall prejudice or interfere with any existing right of any person interested in the waters of or any existing right appurtenant to any hereditament abutting upon the River Chelmer the River Ter or the River Blackwater above the respective points of intake thereon by this Act authorised to use the waters of any of those rivers to the same extent and in the same manner as if this Act had not been passed.

Crown  
rights.

**87.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent the said Commissioners and Board are hereby respectively authorised to give.

Costs of  
Act.

**88.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the  
foregoing Act.

A.D. 1924.

THE FIRST SCHEDULE.

CAPITAL OF THE COMPANY AUTHORISED BY THEIR  
PREVIOUS ACTS.

	Dividend or Interest per cent.	Amount authorised.			Total realised.			Remaining to be issued.		
		£	s.	d.	£	s.	d.	£	s.	d.
<b>SHARE CAPITAL.</b>										
Act of 1879	10	20,000	0	0	20,000	0	0	—		
„ 1879	7	60,000	0	0	60,000	0	0	—		
„ 1894	7	80,000	0	0	80,000	0	0	—		
„ 1898	5	176,000	0	0	176,000	0	0	—		
„ 1904	5	184,000	0	0	184,000	0	0	—		
„ 1907	5	250,000	0	0	Ord. 100,780	10	0	24,219	10	0
					Pref. 125,000	0	0	—		
					7½ % Redeemable Preference					
„ 1910	—	200,000	0	0	100,000	0	0	—		
					5 % Preference					
„ 1915	—	250,000	0	0	100,000	0	0	—		
					116,404	15	9	133,595	4	3
	Total -	£1,220,000	0	0	£1,062,185	5	9	£157,814	14	3
<b>LOAN CAPITAL.</b>										
Act of 1879	4	20,000	0	0	20,000	0	0	—		
„ 1894	4	20,000	0	0	20,000	0	0	—		
„ 1898	4	44,000	0	0	44,000	0	0	—		
„ 1904	4	46,000	0	0	46,000	0	0	—		
„ 1907	—	83,333	6	8	4% 28,158	0	0	13,080	19	2
					8% 42,094	7	6			
					Redeemable					
„ 1910	—	66,666	13	4	7% 50,000	0	0	—		
Capital Issues	—	16,666	13	4	Redeemable					
Consent 1920	—	83,333	6	8	4% 33,333	6	8	—		
Act of 1915	—	83,333	6	8	—			83,333	6	8
	Total	£380,000	0	0	£283,585	14	2	£96,414	5	10

[Ch. lxii.]

*Southend Waterworks [14 & 15 GEO. 5.]  
Act, 1924.*

A.D. 1924.

THE SECOND SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PARTS ONLY MAY BE  
TAKEN COMPULSORILY.

Parish.	Nos. on deposited Plans.	Description of Property.
Hatfield Peverel -	15	Brickworks yard and premises.
Hazeleigh - -	5	Garden.
	12	Field and pond.
Woodham Ferrers	34	House garden orchard outbuildings and premises.
Hockley - - -	2B	Foreshore banks and public footpath.
Rayleigh - -	2	Field sand pit and footpaths to works.
Little Baddow -	7	Orchard and watercourse.

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