STATUTORY INSTRUMENTS

1976 No. 911

WATER, ENGLAND AND WALES
The Essex Water Order 1976

Made - - - 9*th June* 1976
Coming into Operation 14*th June* 1976

The Secretary of State for the Environment, in exercise of powers conferred by sections 32 and 50 of the Water Act 1945(a) and now vested in him(b), and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement.

1.—(1) This order may be cited as the Essex Water Order 1976 and shall come into operation on 14th June 1976.

(2) The Essex Water Acts and Orders 1861 to 1974 and this order may be cited together as the Essex Water Acts and Orders 1861 to 1976.

Interpretation.

2.—(1) In this order—

"the Third Schedule" means the Third Schedule to the Water Act 1945;

"the undertaking" means the undertaking of the Essex Water Company as for the time being authorised by any enactment.

(2) Unless the context otherwise requires, any reference in this order to any enactment shall be construed as a reference to that enactment as extended or amended by any subsequent enactment, including this order.

Amendment of South Essex Waterworks Order 1964.

3. The South Essex Waterworks Order 1964(c) is hereby amended in Schedule 2 thereof by inserting in column (2) opposite the item in column (1) entitled "Section 55 (Making and dates for payment of water rates)" the following—

"At the end of subsection (1) there shall be inserted the following proviso—

'Provided that notwithstanding the foregoing provisions of this subsection the undertakers may make a water rate by fixing a rate poundage in respect of the period of nine months commencing on 1st July 1976 and, subject to the provisions of this section, such rate shall be payable in advance as to two-thirds of such rate by an instalment on 1st July 1976 and as to one-third of such rate by an in-instalment on 1st January 1977'.

At the end of subsection (3) there shall be inserted the following proviso—

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

(*a*) no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the

(a) 1945 c. 42.
(b) S.I. 1951/142, 1900, 1970/1681 (1951 I, pp. 1348, 1347, 1970 III, p. 5551).
(c) S.I. 1964/1548.

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first day of the period in respect of which it has been demanded; and

(*b*) if the person who is, or who, but for the provision of the last foregoing section, would be liable to pay the water rate payable in respect of any premises is in occupation of those premises for part only of the period in respect of which the water rate is made, he, or as the case may be, the owner of the premises shall be liable to pay such part only of the total amount of the water rate as the number of days during which he is in occupation bears to the total number of days in the said period, and, if any greater proportion of the water rate has been paid, the person by whom it was paid shall be entitled to recover the excess from the undertakers, except insofar as he has previously recovered it from an incoming occupier: Provided that nothing in this paragraph shall exempt the owner of any premises from liability in respect of any subsequent portion of the period in respect of which the water rate is made during which the premises may again become occupied'.".

Repeal.

4. So much of section 39 (Application of provisions of Third Schedule to the Act of 1945) of, and Schedule 5 to, the Essex Water Order 1970(a) as relates to section 55 (Making and dates for payment of water rates) of the Third Schedule is hereby repealed.

Application of section 94 of Third Schedule.

5. For the purposes of this order, section 94 of the Third Schedule (which requires undertakers to keep a copy of the special Act at their principal office and to deposit copies with certain officers) shall apply to the undertaking and is hereby incorporated with this order.

Signed by authority of the Secretary of State 9th June 1976.

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

(a) S.I. 1970/786.

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