ELIZABETH II



1982 CHAPTER xxii

An Act to authorise the Southern Water Authority to construct works and to acquire lands; to regulate the use of vessels and houseboats on certain parts of the river Medway; to confer further powers on the Southern Water Authority; and for other purposes.

[28th October 1982]

WHEREAS the Southern Water Authority (hereinafter in this Act referred to as "the Authority") were, in pursuance of the Water Act 1973, constituted as the authority responsible for water conservation, the supply of water, the provision of public sewerage and sewage disposal, land drainage, the prevention of pollution, water recreation and the management and improvement of salmon, trout and freshwater fisheries in an area comprising the counties of East Sussex and Isle of Wight and parts of the counties of Hampshire, West Sussex and Kent: 1973 c. 37.

And whereas for the protection of the waters of the river Rother, for facilitating navigation of that river and for the several purposes of their functions the Authority maintain on that river in the district of Rother in the parish of Playden in the county of East Sussex a sluice and lock known as Scotsfloat Sluice, and the same is of considerable age and in need of replacement:

And whereas Scotsfloat Sluice is the upstream limit of the port and harbour of Rye of which the Authority are the harbour authority:

And whereas it is expedient that the Authority should be empowered to construct in and about the tidal section of the river Rother the works specified by this Act and to acquire lands for such works, that Scotsfloat Sluice and the existing works incidental thereto should be demolished and part of the tidal section of the river Rother diverted, and that the upstream limit of the port and harbour of Rye should be altered as by this Act provided:

And whereas the Authority are the navigation authority for certain upper stretches of the river Medway including the river between Allington Lock and a point upstream of Tonbridge in the county of Kent, and it is expedient that the Authority should be empowered to regulate the use of vessels and houseboats upon the river and to levy charges upon such vessels and houseboats as by this Act authorised:

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

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

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

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

PART I

PRELIMINARY

Citation and commencement.

1.—(1) This Act may be cited as the Southern Water Authority Act 1982.

PART I —*cont.*

(2) Part IV (Medway navigation) and section 52 (Repeals and amendment) of this Act shall come into operation on 1st April 1983; and the remainder of this Act shall come into operation upon its passing.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

" the Act of 1965 " means the Compulsory Purchase Act 1965; 1965 c. 56.

" the Authority " means the Southern Water Authority;

" the control structure " means Work No. 1 and includes any work, appliance or apparatus connected therewith;

" enactment " means an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the area of the Authority;

" the level of high water " means the level of mean high-water springs;

" the river " means the river Rother;

" the statutory maximum " means the prescribed sum as defined in section 32 (9) of the Magistrates' Courts Act 1980; 1980 c. 43.

" telegraphic line " has the same meaning as in the Telegraph Act 1878; 1878 c. 76.

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

" the tribunal " means the Lands Tribunal;

" the Trinity House " means the Corporation of Trinity House of Deptford Strond;

" the works " means Works Nos. 1 to 4B and any works constructed in connection with those works, and includes those works as enlarged, renewed or altered, under subsection (3) of section 4 (Power to make works) of this Act.

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

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

Application of enactments. 1945 c. 42.

3.—(1) (*a*) For the purposes of this Act other than Part IV (Medway navigation), sections 6, 83 and 85 of the Third Schedule to the Water Act 1945 shall apply to the Authority and the works.

(*b*) The said sections are hereby incorporated with this Act other than the said Part and, as so incorporated, shall have

PART I —*cont.*

effect as if for references therein to undertakers there were substituted references to the Authority.

1845 c. 20.

(2) Section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof are hereby incorporated with this Act other than Part IV (Medway navigation) and, as so incorporated, shall have effect as if—

(*a*) for the words " the period by the special Act limited for the completion of the railway " there were substituted the words " the period of five years from the commencement respectively of the construction of any of the works authorised by the special Act ";

(*b*) the expression " the company " meant the Authority;

(*c*) the words " the lands described in the said plans or mentioned in the said book of reference " in the said section 16 meant the lands so described and mentioned within the limits of deviation shown on the deposited plan; and

(*d*) the expression " the railway " meant the works authorised by this Act and " the centre of the railway " meant the centre line of any such works respectively.

(3) (*a*) Part I of the Act of 1965 (except section 4, section 27, and paragraph 3 (3) of Schedule 3 thereto), in so far as it is applicable for the purposes of this Act and is not inconsistent with the provisions thereof, shall apply to the compulsory acquisition of land under this Act as it applies to a compulsory purchase to which Part II of the Acquisition of Land Act 1981 applies and as if this Act were a compulsory purchase order under the said Act of 1981.

1981 c. 67.

(*b*) In section 11 (1) of the Act of 1965, as so applied, for the words " fourteen days " there shall be substituted the words " three months ".

1845 c. 18.

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

PART II
WORKS

Power to make works.

4.—(1) Subject to the provisions of this Act, the Authority may, in the lines or situations and upon the lands delineated on the deposited plan and described in the deposited book of reference and according to the levels shown on the deposited sections, make and maintain the works hereinafter described in the parish of Playden in the district of Rother in the county of East Sussex:—

PART II —*cont.*

Work No. 1 A control structure across the diverted channel of the river (Work No. 2), incorporating sluice gates, lock gates, fish pass, road bridge, launching ramps and control building, commencing at reference point 93207 22529 and terminating at reference point 93184 22494.

Work No. 2 A diversion of the river by excavation of a new channel, commencing at reference point 93309 22738 and terminating at reference point 93042 22280.

Work No. 3A A flood protection embankment, commencing at reference point 93226 22492 and terminating at reference point 93055 22249.

Work No. 3B A flood protection embankment, commencing at reference point 93175 22525 and terminating at reference point 93001 22284.

Work No. 3C A flood protection embankment, commencing at reference point 93341 22757 and terminating at the commencement of Work No. 3A.

Work No. 3D A flood protection embankment, commencing at reference point 93290 22746 and terminating at the commencement of Work No. 3B.

Work No. 4A An access road, commencing at reference point 93318 22677 and terminating at reference point 93228 22504.

Work No. 4B An access road passing over the control structure commencing at the termination of Work No. 4A and terminating at reference point 93175 22539 by a junction with Military Road.

(2) (*a*) The Authority may lay electric lines in, on or over any highway and, with the consent of the owners and occupiers of any other land, above the level of high water in, on or over that land for the purpose of—

(i) establishing telegraphic, telephonic or other electrical communication either between any part of the undertaking of the Authority (as for the time being authorised by any enactment) and any part of the works, or between different parts of those works; or

(ii) inspecting, maintaining, repairing, managing, working, or using the works or any of them.

(*b*) Subsections (3), (4) and (5) of section 5 of the Third Schedule to the Water Act 1945 shall extend and apply to any electric lines laid under this subsection as if they were wires, posts, conductors

1945 c. 42.

PART II —*cont.*

and other apparatus laid under the said section 5 and for that purpose shall be deemed to be incorporated with this Act.

(*c*) In this subsection "electric line" has the same meaning as in the Electricity (Supply) Acts 1882 to 1936.

(3) The Authority may within the limits of deviation shown on the deposited plan and the deposited sections from time to time enlarge, renew and alter any of the works described in subsection (1) above.

(4) Upon the completion and bringing into operation of the works the Authority may demolish and remove the existing Scotsfloat Sluice and lock and may use or dispose of the structures and materials thereof as they think fit.

Subsidiary works.

5.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plan, the Authority in connection with or for the purposes of the works may—

(*a*) make junctions and communications between any of those works and any watercourses and any existing streets, roads, droves, ways, bridges and footpaths;

(*b*) make, provide and maintain all necessary and convenient walls, banks, embankments, borrow pits, hards, moorings, boat hoists, rollers and other facilities for transporting boats, piling, fences, facilities for watering cattle and other animals, culverts, drains, intakes, syphons, watercourses, weirs, sluices, mattresses, pitching, roads, droves, bridges, footpaths, and all such mains, pipes, cables, wires, meters, pumps, machinery, works and appliances as may be required;

(*c*) stop up, fill in and discontinue so much of the river and watercourses and remove and if thought fit utilise in and for the works so much of the flood protection embankments as will be rendered unnecessary by reason of the execution of the works;

(*d*) dispose of spoil or other material excavated in the execution of the works;

(*e*) execute any works for the protection of any adjoining lands, buildings or structures;

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

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

1928 c. 32.

PART II —*cont.*

(2) In the exercise of the powers conferred by this section, the Authority shall cause as little detriment and inconvenience to any person as circumstances admit and shall pay compensation to all persons for any damage sustained by them by reason of the exercise by the Authority of such powers. Any question as to the amount of the compensation to be so paid shall be determined by the tribunal.

(3) The powers conferred by this section and section 4 (Power to make works) of this Act in so far as they authorise the carrying out of any works in, on, over or under any highway shall not be exercised by the Authority without the consent of the highway authority, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment as the consideration for the grant of the consent) as the highway authority may require, and any question whether such consent is unreasonably withheld or any conditions so imposed are unreasonable shall be determined by arbitration:

Provided that such consent shall not be necessary where consent for the carrying out of the works is required by the Public Utilities Street Works Act 1950. 1950 c. 39.

(4) Any electrical works or equipment constructed, erected, laid down, maintained, worked or used pursuant to the powers conferred by this section shall be so constructed, erected or laid down and so maintained, worked and used as to prevent interference with any telegraphic line belonging to or used by British Telecommunications or with telecommunication by means of any such line.

Power to deviate.

6. The Authority in constructing the works may deviate laterally from the lines or situations of the works as shown on the deposited plan to any extent not exceeding the limits of deviation shown on that plan and may deviate vertically from the levels shown on the deposited sections to any extent upwards or downwards:

Provided that—

(*a*) the road bridge comprised in the control structure shall be so constructed as to afford a headway of not less than 0·65 metres above the level of high water (being 6 metres above the datum line shown on the deposited sections);

(*b*) no part of the embankments comprised in or forming part of Works Nos. 3A, 3B, 3C and 3D shall be constructed at a greater height above the general surface of the ground than that shown on the deposited sections and one metre in addition thereto.

PART II —*cont.*

Work No. 2 to be part of main river.

1976 c. 70.

1973 c. 37.

7.—(1) Upon completion of the diversion of the river specified in Work No. 2, the new channel of the river for the length of the diversion shall be treated as part of the main river of the Authority for the purposes of Part II of the Land Drainage Act 1976 and the former channel of the river so diverted shall cease to be treated as part of the main river; and the Authority shall forthwith send the main river map (as defined in paragraph 6 of Schedule 2 to the Water Act 1973) of their area to the Minister of Agriculture, Fisheries and Food for the purpose of its being varied to give effect to the provisions of this section.

(2) Sub-paragraph (2) of paragraph 11 of the said Schedule 2 shall not apply to the alteration of the main river map in pursuance of this section.

Certain of works deemed to be constructed under impounding licence.

1963 c. 38.

8. Works Nos. 1, 2, 3A, 3B, 3C and 3D shall be deemed to have been constructed under licences under section 36 of the Water Resources Act 1963 granted by the Secretary of State to the Authority and, except as may be otherwise provided by this Act, the provisions of the said Act of 1963 relating to licences granted under section 36 of that Act shall apply to the licences deemed by this section to have been granted under that section as they apply to those so granted.

Stopping up and diversion of paths.

9.—(1) Following completion of the access roads (Works Nos. 4A and 4B), the flood protection embankment (Work No. 3A) and the provision by the Authority upon or along the line of Work No. 3A of a new footpath between the points C and D marked on the deposited plan—

(*a*) the Authority may stop up—

(i) so much of the road used as a public path in the parish of Playden in the district of Rother in the county of East Sussex (being numbered 6b on the definitive map kept under Part IV of the National Parks and Access to the Countryside Act 1949) as lies between the points A and B so marked;

1949 c. 97.

(ii) so much of the footpath in the said parish (being numbered 20b on the said map) as lies between the points A and D so marked;

(*b*) the said new footpath between the points C and D so marked shall become a public footpath and the said access roads shall become a road used as a public path;

1968 c. 41.

and paragraph 9 (1) of Schedule 3 to the Countryside Act 1968 (which provides that in the special review, the draft revision and the definitive map and statement, every road used as a public path shall be shown as a byeway open to all traffic, a bridleway or a

PART II —*cont.*

footpath) shall have effect as if the said access roads had been shown as a " road used as a public path " in the last definitive map and statement.

(2) Upon the stopping up of the road used as a public path and the footpath between the points A and D, mentioned respectively in subsection (1) (*a*) above, all rights of way over or along the same shall be extinguished and the Authority may appropriate and use the site and soil thereof so far as they are the owners of the same.

(3) Not less than three months nor more than six months before stopping up the road used as a public path and the footpath mentioned in subsection (1) (*a*) above, the Authority shall send by post to British Telecommunications a notice informing it of the proposed date of such stopping up and unless otherwise agreed in writing between the Authority and British Telecommunications the following provisions shall have effect in relation to so much of any telegraphic line belonging to or used by British Telecommunications as is under, in, upon, over, along or across the land which by reason of the stopping up will cease to be a highway (in this subsection referred to as " the affected line "):—

(*a*) the power of British Telecommunications to remove the affected line shall be exercisable notwithstanding the stopping up so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of one month from the actual date of the stopping up;

(*b*) British Telecommunications may by notice to the Authority abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of one month unless before the expiration of that period British Telecommunications has removed it;

(*c*) British Telecommunications shall be entitled to recover from the Authority the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as is reasonable;

(*d*) where under paragraph (*b*) of this subsection British Telecommunications has abandoned the whole or any part of the affected line it shall vest in the Authority and the provisions of the Telegraph Acts 1863 to 1916 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

PART II —*cont.*

Temporary stoppage of watercourses, roads, footpaths and bridleways.

10.—(1) The Authority during and for the purpose of the execution of any of the works may temporarily stop up and divert and interfere with any watercourse or any road, bridleway or footpath and may for any reasonable time divert the traffic from any such road, bridleway or footpath and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road, bridleway or footpath from passing along and using the same.

(2) Reasonable access shall be provided for foot-passengers, with or without animals, bona fide going to or from any such land, house or building.

(3) The powers of this section shall not be exercised with reference to any road, bridleway or footpath without the consent of the highway authority and, in the case of a road, bridleway or footpath which is vested in any person other than the highway authority, that person, and any such consent may be given subject to such reasonable conditions (other than a monetary payment as the consideration for the grant of the consent) as the highway authority or other person may think fit to impose but shall not be unreasonably withheld, and any question whether any such consent is or is not unreasonably withheld or whether any conditions are or are not reasonable shall be determined by arbitration.

(4) The exercise of the powers conferred by this section shall not affect the powers of British Telecommunications under the Telegraph Acts 1863 to 1916 to maintain, inspect, repair, renew or remove telegraphic lines or to open or break up any highway for any of those purposes.

Notice to police.

11. Before breaking up or otherwise interfering with any road in connection with the construction of any of the works, the Authority shall (except in a case of emergency) give 14 days' notice to the chief officer of police of their intention so to do.

Diversion of flow of water in certain watercourses.

12.—(1) The Authority may by means of Works Nos. 1, 2, 3A, 3B, 3C and 3D and any works constructed in connection therewith divert, abstract, intercept, stop up or otherwise interfere with the waters or the flow of water in the river and of or in any other watercourse which may be intercepted by the said works or any of them.

(2) The restriction imposed by subsection (1) of section 23 of the Water Resources Act 1963 shall not apply to abstraction of water under subsection (1) of this section.

1963 c. 38.

PART II —*cont.*

Operation of sluice and lock gates.

13.—(1) Notwithstanding anything in any enactment or in any rule of law, the Authority may operate the sluice gates and the lock gates comprised in the control structure, or any of such gates, to control the flow or level of the river upstream or downstream of the control structure in such manner and for such periods as they think necessary or desirable for the purposes of any of their functions.

(2) Without prejudice to subsection (1) above, the Authority shall operate the said lock gates during such periods of the year, at such times on any day in any of those periods and upon such occasions as appear to them in their discretion reasonably necessary for the passage of vessels requiring passage through the same, but nothing in this subsection shall require the Authority to afford passage through the lock at any time when the level of water immediately downstream of the control structure is higher than the level of water immediately upstream thereof.

Misuse of sluice or lock gates, etc.

14.—(1) Any person who, without lawful authority, closes or opens or attempts to close or open, the sluice gates, lock gates or any of them comprised in the control structure, or in any other way interferes, or attempts to interfere, with the control structure or the operation thereof, shall be liable on summary conviction to a fine not exceeding £500 or on conviction on indictment to a fine.

(2) A person shall not be guilty of an offence under subsection (1) above as respects any act done in an emergency in order to avoid danger to any person.

Grants respecting works.

1976 c. 70.

15. In section 90 of the Land Drainage Act 1976—

(*a*) in subsection (6), the reference to functions under section 17 (1) (*b*) or (*c*) of that Act shall include a reference to functions under this Part so far as relating to the improvement of existing drainage works or the construction of new drainage works;

1963 c. 38.

(*b*) in subsection (6) (*a*), the reference to sections 65 and 66 of the Water Resources Act 1963 shall include a reference to Part III of this Act;

(*c*) in subsection (6) (*d*), the reference to section 33 (4) of the Land Drainage Act 1976 shall include a reference to subsection (2) of section 5 (Subsidiary works) of this Act.

Alteration of limits of Rye Harbour.

16.—(1) Following the completion of construction and bringing into operation by the Authority of the control structure and

PART II —*cont.*

compliance by the Authority with subsection (2) below, the upstream limit of the port and harbour of Rye shall become the downstream faces of the downstream lock gate (as closed to navigation) and the sluice gates comprised in the structure.

(2) As soon as reasonably practicable after such completion and bringing into operation, the Authority shall—

(*a*) deposit at the Ministry of Agriculture, Fisheries and Food for signature by or on behalf of the Minister a map in triplicate marked "Map referred to in the Harbour of Rye Revision Order 1976 as modified pursuant to section 16 (Alteration of limits of Rye Harbour) of the Southern Water Authority Act 1982", showing the limits of the port and harbour of Rye as modified by virtue of subsection (1) above; and

S.I. 1976/855.

(*b*) deposit one copy of the map so signed at each of the offices mentioned in paragraph (2) of article 4 (Limits of harbour) of the Harbour of Rye Revision Order 1976.

(3) As from the date of signature under subsection (2) above, paragraph (2) of article 4 (Limits of harbour) of the Harbour of Rye Revision Order 1976 shall be amended by the addition after the words "Map referred to in the Harbour of Rye Revision Order 1976" of the words "as modified pursuant to section 16 (Alteration of limits of Rye Harbour) of the Southern Water Authority Act 1982".

Modification of Town and Country Planning Act 1971.
1971 c. 78.
S.I. 1977/289.

17. In their application to development authorised by this Part of this Act, Article 3 of, and Class XII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out) shall have effect as if the authority to develop given by this Part were limited to such development begun within 10 years after the passing of this Act.

Arbitration.

18. Where under this Part of this Act any difference is to be referred to or settled by arbitration, then, unless otherwise provided, such difference shall be referred to and settled by a single arbitrator to be agreed between the parties, or, failing agreement, 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.

PART II —*cont.*

Tidal works not to be executed without approval of Secretary of State.

19.—(1) A tidal work shall not be constructed, enlarged, renewed or altered, except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.

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

(*a*) the Secretary of State may by notice in writing require the Authority at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the Authority they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or

(*b*) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work, or part of it, and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the Authority.

Provision against danger to navigation.

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

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

Abatement of works abandoned or decayed.

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

(2) Where a work authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the

PART II —*cont.*

level of high water, is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State may include that part of the work, or any portion thereof, in any notice under this section.

(3) If, on the expiration of 30 days from the date when a notice under this section is served upon the Authority, they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the Authority.

Survey of tidal works.

22. The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work constructed by the Authority, or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Authority.

Permanent lights on tidal works.

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

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

Lights on tidal works during construction.

24.—(1) The Authority shall at or near a tidal work during the whole time of the construction, enlargement, renewal or alteration thereof, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.

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

Saving for Trinity House.

25. Nothing in this Part of this Act shall prejudice or derogate from the powers, rights and privileges of the Corporation of Trinity House of Deptford Strond.

PART III

LANDS

Power to acquire lands.

26.—(1) Subject to the provisions of this Act, the Authority may enter upon, take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as they may require for the purposes of—

(*a*) the works or obtaining access thereto;

(*b*) obtaining materials for the construction of the works, or depositing spoil or other material excavated during the construction thereof;

or otherwise for the purposes of this Act or other purposes connected therewith.

(2) (*a*) The powers of the Authority for the compulsory acquisition of lands under this section shall not be exercised after 31st December 1985.

(*b*) The power to acquire compulsorily any land shall for the purposes of this subsection be deemed to have been exercised if before 31st December 1985, notice to treat has been served in respect of that land.

Correction of errors in deposited plan and book of reference.

27.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the Authority after giving not less than 10 days' notice to the owner, lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake, the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and a copy thereof in the Private Bill Office, House of Commons, and with the chief executive of the East Sussex County Council, and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Authority to take the land or an easement therein (as the case may be) and execute the works in accordance with the certificate.

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

PART III —*cont.*

Disregard of recent improvements and interests.

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

Extinction of private rights of way.

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

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Authority compensation, to be determined, in case of dispute, in accordance with the provisions of Part I of the Land Compensation Act 1961.

1961 c. 33.

Grant of easements by persons under disability.

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

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

Agreements with adjoining owners.

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

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

PART IV

MEDWAY NAVIGATION

Interpretation of Part IV.

32. In this Part of this Act, unless the context otherwise requires—

" daily fine " means a fine for each day on which an offence is continued after conviction thereof;

" houseboat " means any craft or any part thereof, whether or not the same is or may be used for human habitation, but does not include any vessel—

(*a*) which is bona fide used for navigation; or

(*b*) which is on the Medway navigation with the written consent of the Authority for the purpose of being broken up or disposed of; or

(*c*) which consists of a floating or fixed pier or jetty which serves vessels bona fide used in navigation;

" master " when used in relation to any vessel or houseboat means any person whether the owner, master or other person lawfully or wrongfully having or taking the command, charge or management of the vessel or houseboat for the time being;

" the Medway navigation " means the navigation under the control of the Authority and situate in the county of Kent, comprising Allington Lock and Allington Sluices in the borough of Maidstone and so much of the river Medway and all canals and tributaries thereof as lie upstream of the said sluices and downstream of an imaginary straight line drawn between the downstream faces of the abutments of the footbridge at Tonbridge in the district of Tonbridge and Malling at reference point 56710 46081;

" powered " in relation to a vessel means mechanically propelled, and " unpowered " shall be construed accordingly;

" registration certificate " means a certificate issued under subsection (1) (*c*) of section 34 (Registration of vessels) or subsection (1) (*c*) of section 38 (Registration of houseboats) of this Act;

" tender " means a vessel which is used solely as the only tender to a vessel in the same ownership as the tender;

" vessel " means every description of craft used or designed for use in navigation, however intended to be navigated,

PART IV —*cont.*

propelled or moved; and includes a hovercraft (as defined in the Hovercraft Act 1968), a hydrofoil vessel (being a vessel designed to be supported on foils) and anything constructed or used to carry persons or goods by water.

1968 c. 59.

Vessels

Unregistered vessels prohibited.

33.—(1) It shall not be lawful without the consent of the Authority to keep, let for hire or, except in case of emergency use any vessel on the Medway navigation, other than a vessel which is owned or used by the Authority unless a registration certificate in relation to the vessel is then in force.

(2) Any person contravening subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(3) The court convicting a person under this section may make an order requiring him to pay such sum as would have been the charge under section 35 (Charges for registration of vessels) of this Act for the registration of the vessel had it been registered at the proper time; and a sum ordered to be paid under this subsection is a sum adjudged to be paid by a conviction within the meaning of the Magistrates' Courts Act 1980 and shall be applied as compensation under section 139 of that Act.

1980 c. 43.

Registration of vessels.

34.—(1) The Authority, on payment to them for the registration of any vessel of the charge prescribed under section 35 (Charges for registration of vessels) of this Act and delivery on a form to be supplied by them of the particulars which are set out in Schedule 1 to this Act together with such additional information as the Authority may reasonably from time to time require, shall—

(*a*) assign to the vessel a number;

(*b*) register the vessel in a register to be kept by them; and

(*c*) issue to the applicant a registration certificate in respect of that registration, bearing the number assigned to the vessel.

(2) The Authority may by written notice to the master of any vessel revoke its registration under this section upon any failure to comply in respect of the vessel with the terms of any enactment relating to the Medway navigation.

Charges for registration of vessels.

1973 c. 37.

35.—(1) Subject to section 46 (Application of section 30 of Water Act 1973 to charges) of this Act, there shall be paid to the Authority for the registration of any vessel to be used on the Medway navigation and for every renewal of the registration certificate such reasonable charge as the Authority may prescribe.

PART IV —*cont.*

(2) The Authority may from time to time prescribe different charges under this section for different classes or sizes of vessels and, without prejudice to the generality of this provision, the classification may be according to type or according to the use to which the vessel is put or to be put or both.

(3) A vessel belonging to or employed in the service of any police authority or fire authority and used for the purpose of the exercise of their functions shall be exempt from the payment of the prescribed charge.

Display of name, registration certificate, etc.

36.—(1) Every vessel registered under this Part of this Act shall, whilst on the Medway navigation, have its name or number together with the number and mark (if any) assigned thereto by the Authority conspicuously painted or otherwise displayed on the outside thereof in letters of such colour, character and size as will be clearly legible.

(2) Every vessel registered under this Part of this Act shall, whilst on the Medway navigation, display on the vessel its registration certificate so as to be clearly visible from the outside at all times.

(3) Every tender registered under this Part of this Act shall have conspicuously painted or displayed in the same manner as a powered vessel the words " Tender to " followed by the name of the vessel to which it is the tender.

(4) (*a*) If any vessel registered under this Part of this Act or, (as the case may be) any tender, is used on the Medway navigation and any of the matters required to be displayed under subsections (1) to (3) above are not so displayed, the master of the vessel shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50; and

(*b*) If any person knowingly causes or permits any of the said matters to be concealed whilst such a vessel or tender is on the Medway navigation, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(5) The Authority may at its discretion accept as sufficient compliance with this section the display on a vessel in a manner approved by the Authority of such mark, name or number as may be so approved.

Houseboats

Unregistered houseboats prohibited.

37.—(1) It shall not be lawful without the consent of the Authority to moor, place, keep or maintain any houseboat on the Medway navigation (whether or not the houseboat shall have been so moored or placed before the passing of this Act) unless a registration certificate in relation to it is then in force and any conditions contained in such certificate are complied with.

PART IV —*cont.*

(2) Nothing in subsection (1) above shall—

(*a*) apply to a houseboat which is owned or used by the Authority; or

(*b*) prejudice or affect any obligation under any enactment to obtain the consent thereto of any local authority within whose area the houseboat is or is proposed to be moored, placed, kept or maintained.

(3) (*a*) If any houseboat shall be moored, placed, kept or maintained contrary to the provisions of subsection (1) above the Authority may by notice in writing require the person having control of the houseboat to remove or demolish it and to clear and restore the bed and banks of that part of the Medway navigation from or on which the houseboat has been removed or demolished or to comply with the conditions imposed.

(*b*) Any such notice—

(i) shall be given by leaving it or sending it in a prepaid letter by the recorded delivery service addressed to the person having control of such houseboat at his usual or last known residence or (if it is not practicable after reasonable inquiry to ascertain the name and address of such person) by exhibiting the same in a conspicuous position on such houseboat; and

(ii) shall specify the period (not being less than two months) within which such removal or demolition and clearance and restoration, or compliance with conditions, shall be completed.

(4) (*a*) If any person fails without reasonable cause to comply with any notice under subsection (3) above—

(i) he shall be liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20; and

(ii) the Authority may, at any time after the expiration of the period specified in such notice, remove or demolish the houseboat referred to therein and clear and restore the bed and banks of the Medway navigation disturbed by such removal or demolition.

(*b*) The effect of paragraph (*a*) above shall be stated in every such notice.

(*c*) Subject to the provisions of subsection (5) below, the expenses reasonably incurred by the Authority in or in connection with any such removal or demolition and clearance and restoration, may be recovered by the Authority from the person having the control of such houseboat.

PART IV —*cont.*

(5) (*a*) In the event of any houseboat being so removed or demolished by the Authority, they may retain the same or the materials thereof and may, and shall if so required by the owner, sell or dispose of the same or of such materials and subject as hereinafter provided retain the proceeds of such sale or disposal.

(*b*) For the purpose of ascertaining the amount recoverable by the Authority under subsection (4) (*c*) above, credit shall be given for the net amount (if any) received by the Authority of the proceeds of the sale or disposal (after deduction of any expenses incurred by the Authority in effecting the same) of the houseboat or the materials thereof. If such net amount shall exceed the amount of the expenses incurred by the Authority in or in connection with such removal or demolition, or clearance and restoration, as aforesaid, they shall pay the amount of such excess to the owner of the houseboat.

(6) For the purposes of this section the owner of any houseboat shall, until the contrary be proved, be deemed to be the person having the control of it.

Registration of houseboats.

38.—(1) The Authority, on payment to them for the registration of any houseboat of the charge prescribed under section 39 (Charges for registration of houseboats) of this Act and delivery on a form to be supplied by them of the particulars which are set out in Schedule 1 to this Act together with such additional information as the Authority may reasonably from time to time require, may, subject to such conditions (including conditions relating to the prevention of pollution) as they think fit—

(*a*) assign to such houseboat a number, which shall be displayed thereon;

(*b*) register such houseboat in a register to be kept by them;

(*c*) issue to the applicant a registration certificate in respect of such registration bearing the number assigned to such houseboat.

(2) (*a*) The Authority shall not refuse registration in accordance with subsection (1) above as respects any houseboat unless they are satisfied that its mooring, placing, keeping and maintaining in the station proposed on the Medway navigation would constitute a danger to navigation or interfere with the navigation of vessels; and the Authority shall, upon any refusal of registration, specify in writing the grounds of such refusal.

(*b*) The Authority shall not refuse registration in accordance with subsection (1) above as respects any houseboat stationed on the navigation on 4th December 1981 for its mooring, placing, keeping and maintaining in the station in which it was positioned on that day but any registration of a houseboat by virtue of this

PART IV —*cont.*

paragraph shall be subject to such conditions relating to the prevention of pollution as the Authority see fit to impose and to compliance with the terms of all enactments relating to the Medway navigation.

Charges for registration of houseboats. 1973 c. 37.

39. Subject to section 46 (Application of section 30 of Water Act 1973 to charges) of this Act, there shall be paid to the Authority for the registration of any houseboat on the Medway navigation and for every renewal of the registration certificate such reasonable charge as the Authority may from time to time prescribe.

Provisions applicable to vessels and houseboats

Duration of registration certificates.

40. A registration certificate may be issued for such period and expiring on such date as the Authority may determine.

Registration of transfers.

41.—(1) Upon every transfer of ownership of a vessel or houseboat in respect of which a registration certificate then in force has a period of operation of not less than one month unexpired the transferor shall, within 28 days of the transfer give notice thereof in writing to the Authority unless the transferee has already done so.

(2) If without reasonable excuse notice required by subsection (1) above is not given to the Authority, the transferor shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(3) Prior to the giving of notice under subsection (1) above the transferor, and thereafter the transferee, shall be deemed for all the purposes of this Act to be the owner of the vessel or houseboat, as the case may be, which is the subject of the notice.

(4) Notice of the effect of subsections (1) and (2) above shall be endorsed on every registration certificate issued by the Authority for a period exceeding one month.

Charges for services and facilities.

42. The Authority may demand, take and recover with respect to any vessel or houseboat such reasonable charges for services and facilities provided by them, other than in connection with the passage of a vessel through, by or over any lock, as they may from time to time prescribe and as may be specified in any list displayed pursuant to section 43 (List of charges) of this Act.

List of charges.

43. A list showing the charges prescribed under sections 35 (Charges for registration of vessels), 39 (Charges for registration of houseboats) and 42 (Charges for services and facilities) of this Act, for the time being in force under this Part of this Act, shall be

PART IV —*cont.*

displayed at one or more convenient places on or adjacent to the Medway navigation and a copy of the list shall be supplied by the Authority on request to any person appearing to have an interest.

Provision for charitable or other bodies.

44. The Authority may at its discretion remit or reduce any charge shown in the list referred to in section 43 (List of charges) of this Act in respect of any vessel or houseboat appearing to the Authority to be used for purposes of an educational or other like character or for a charitable or other like purpose.

Power to require name and address.

45.—(1) A person authorised by the Authority may, upon producing his authority if requested, require the master of a vessel or houseboat on the Medway navigation to state his name and address.

(2) If the master or other person required to state his name and address fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Application of section 30 of Water Act 1973 to charges. 1973 c. 37.

46. In its application to charges in respect of the use by vessels and houseboats of the Medway navigation, section 30 of the Water Act 1973 shall have effect as if the exercise of the functions of the Authority in relation to such use under this Part of this Act were services performed or facilities provided by the Authority for or in respect of all users of the Medway navigation.

PART V

MISCELLANEOUS AND GENERAL

Undertakings and agreements binding successive owners.

47.—(1) (*a*) Every undertaking given to the Authority by the owner of a legal estate in land (in this section referred to as " the owner ") and every agreement made between the Authority and the owner, being an undertaking or agreement—

(i) given or made in connection with the land; and

(ii) expressed to be given or made in pursuance of this section; and

(iii) defining that land as land the legal estate in which at the date of execution is vested in the owner;

shall be binding upon the owner and all persons deriving title by, through or under him.

(*b*) An undertaking or agreement under this section shall be a local land charge.

(2) Without prejudice to the generality of subsection (1) above it is hereby declared that an undertaking or agreement made binding by that subsection may consist of or include provision—

(*a*) for covenants by the owner to carry out any works or do anything on or in relation to the land in question

PART V —*cont.*

(including the making of any payment of a sum or sums of money);

(*b*) whereby the owner for valuable consideration agrees not to exercise a right conferred by any enactment;

but nothing in paragraph (*b*) above shall make binding an agreement not to exercise a right conferred by an enactment where the enactment provides (in whatever terms) that any such agreement shall be void or unenforceable.

(3) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require a copy of it from the Authority.

Power to obtain particulars of persons interested in land.

48.—(1) Where, with a view to performing a function conferred on them by any enactment, the Authority consider that they ought to have information connected with any land, the Authority may serve on one or more of the following persons namely:—

(*a*) the occupier of the land; and

(*b*) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and

(*c*) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it;

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish in writing to the Authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in paragraphs (*b*) and (*c*) of this subsection.

(2) A person who—

(*a*) without reasonable excuse fails to comply with the requirements of a notice served on him in pursuance of subsection (1) above; or

(*b*) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Supply of water by Authority.

49. The provisions of Schedule 2 to this Act shall have effect in relation to the supply of water by the Authority alone in their area.

PART V —*cont.*

50. Section 265 of the Public Health Act 1875 (protection from personal liability of members and officers of certain authorities when acting under the direction of the authority) shall apply to the Authority as if— Protection of members and officers of Authority from personal liability.

(*a*) references to a local authority were references to the Authority or to a committee of the Authority;

(*b*) for the words " for the purpose of executing this Act " there were substituted the words " for the purpose of carrying out any of the functions of the Southern Water Authority except functions under the Control of Pollution Act 1974 "; and 1875 c. 55. 1974 c. 40.

(*c*) for the words " out of the fund or rate applicable by such authority to the general purposes of this Act " there were substituted the words " by the Authority ".

51.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing in this Act authorises the Authority to take, use, enter upon or in any manner interfere with any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)— Crown rights.

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners; or

(*b*) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) A consent under subsection (1) above may be given unconditionally or subject to such conditions and upon such terms as shall be considered necessary or appropriate.

52.—(1) The enactments specified in Schedule 3 to this Act (being provisions rendered unnecessary by Part IV of this Act) are hereby repealed. Repeals and amendment.

(2) Section 4 (Interpretation) of the Upper Medway Navigation and Conservancy Act 1911 is hereby amended so that in the definition of the expression " The Upper Medway " for the words " the bridge over the Upper Medway at Forest Row in the county of Sussex " there shall be substituted " an imaginary straight line drawn between the downstream faces of the abutments of the footbridge at Tonbridge in the district of Tonbridge and Malling at National Grid reference point 56710 46081 ". 1911 c. xxiii.

(3) Without prejudice to any other provision of this Act, nothing in this section or Schedule 3 to this Act shall affect such public rights of navigation as immediately before the coming into operation of this section exist over any part of the River Medway.

SCHEDULES

Sections 34 and 38.

SCHEDULE 1

PARTICULARS TO BE SUPPLIED FOR REGISTRATION OF VESSELS AND HOUSEBOATS

Name (if any) of vessel or houseboat;
Length of vessel or houseboat;
Period for which registration certificate required;
Precise location of proposed mooring (in case of houseboat);
Name and address of owner;
Name and address of applicant for registration;
Interest (if owner and applicant not the same) of applicant in vessel or houseboat;
Signature of applicant for registration.

SCHEDULE 2

Section 49.

PROVISIONS APPLICABLE TO SUPPLY OF WATER BY AUTHORITY

Interpretation

1. In this Schedule expressions defined in section 59 of, or in section 1 of the Third Schedule to, the Water Act 1945 have the same meanings.

1945 c. 42.

Guarantees in respect of supplies for new buildings

2.—(1) Section 37 of the Water Act 1945 (provision of domestic water supply for new buildings) shall, in its application to the Authority, have effect as if—

(*a*) in paragraph (*a*) of the proviso to subsection (1), after the words " laying the necessary mains ", there were inserted the words " and providing and installing any necessary new pumping plant or making any necessary modification of any existing pumping plant ";

(*b*) in paragraph (*b*) of the said proviso, after the words " laying the mains ", there were inserted the words " and providing and installing or modifying the pumping plant ";

(*c*) the expression " service reservoirs " included water towers.

(2) Where in pursuance of the said section 37 the owner of any land requires the Authority to construct any works for the purpose of affording a supply to any new buildings which he proposes to erect, the Authority, instead of requiring the owner to give an undertaking to pay in respect of each year such sum as is provided in paragraph (*a*) of the proviso to section 37(1), may agree with him for the payment by him to the Authority of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

Supplies to premises in area of development

3.—(1) Where the Authority are required to lay mains or to construct any other works to bring water to any area for the purpose of affording a supply to any premises and the Authority construct service reservoirs,

SCH. 2 —*cont.*

provide and lay mains or provide, install or modify pumping plant of or to greater capacity than may be necessary to bring to the area the quantity of water to be supplied to such premises, and within the period of 12 years from the completion thereof a requisition is made for a supply to any other premises, and it appears to the Authority to be desirable to use the works so provided or carried out, or any part thereof, for the purpose of affording such last-mentioned supply, the Authority may, before complying with such last-mentioned requisition—

(*a*) in the case of a requisition made under section 29 of the Third Schedule to the Water Act 1945, require that for the purpose of determining the validity of the requisition there shall be brought into account the portion of the expense incurred by them in providing and carrying out so much of the works aforesaid as comprise mains or the part thereof (as the case may be) which would be used by the Authority to afford the supply to which the requisition relates, as if that portion of such expense would be incurred by the Authority in providing and laying mains necessary for compliance with the requisition; and 1945 c. 42.

(*b*) in the case of a requisition made under section 37 of the Water Act 1945, require the person making the requisition to undertake to pay in respect of each year a sum calculated in accordance with the proviso to section 37 (1) in respect of the portion of the expense incurred by them in providing and carrying out so much of the works aforesaid or the part thereof (as the case may be) which would be used by the Authority to afford the supply to which the requisition relates, as if that portion of such expense would be incurred by the Authority in constructing service reservoirs, providing and laying mains and providing and installing or modifying pumping plant necessary for compliance with the requisition:

Provided that, if the person making the requisition so desires, the Authority may, instead of requiring the payment of an annual sum as aforesaid, agree with him for the payment by him to the Authority of such capital contribution as they may determine towards the cost incurred by the Authority in constructing, providing, installing or modifying the works aforesaid or the part thereof which would be used by the Authority to afford the supply to which the requisition relates.

(2) In this paragraph the expression " service reservoirs " includes water towers.

SCHEDULE 3

Section 52.

ENACTMENTS REPEALED

(1) Chapter	(2) Enactment	(3) Extent of repeal
13 Geo. 2 c. 26. (1739).	An Act to revive, explain, and amend an Act made in the Sixteenth and Seventeenth Years of the Reign of his late Majesty King Charles the Second, intituled, An Act for making the River of Medway navigable, in the Counties of Kent and Sussex.	The whole Act.
55 & 56 Vict. c. lxxxvii.	Medway (Upper) Navigation Act 1892.	Section 19 (Power to carry merchandise on Thames and Medway); Section 20 (Power of Company to own and build barges &c.).
1 & 2 Geo. 5. c. xxiii.	Upper Medway Navigation and Conservancy Act 1911.	Section 2 (Incorporation of Acts). Part II (Incorporation &c. of Conservators). Part III (Transfer of Undertaking of the Company to the Conservators) except section 42. Part V (Works by Kent County Council). Part VI (Rates Tolls and Charges). Part VII (Finance). Part VIII (Guarantees). Schedules 1, 2, 3, 4, 6, 7 and 8.
4 & 5 Geo. 5. c. lxxxvii.	Upper Medway Navigation and Conservancy Act 1914.	The whole Act.

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