



### CHAPTER ccxxxviii.

An Act to constitute and incorporate a Joint Water Board consisting of representatives of the Oakengates and Dawley Urban District Councils in the county of Salop and for other purposes. [15th August 1904.] A.D. 1904.

**W**HEREAS the urban districts of Oakengates and Dawley in the county of Salop are urban districts within the meaning of the Local Government Act 1894 and are under the management and control of the urban district councils of those districts respectively :

And whereas the existing supply of water to the urban districts of Oakengates and Dawley is insufficient to satisfy the present and growing demands of the inhabitants thereof :

And whereas it is expedient that a Joint Water Board should be constituted as in this Act provided consisting of representatives of the councils of the urban district of Oakengates and the urban district of Dawley and that such Joint Board should be authorised to exercise the powers in this Act contained :

And whereas it is expedient that provision should be made as in this Act contained for the management of the undertaking of the said Water Board and for the regulation of their finances and other affairs :

And whereas it is expedient that the said Joint Water Board should be empowered to borrow moneys for the construction of the works by this Act authorised and otherwise for the purposes of this Act :

And whereas estimates have been prepared by the said urban district council of Oakengates for the purchase of land for and the

A.D. 1904. execution of the various works by this Act authorised and such estimates are as follows :—

- (A) For the purchase of land and the construction of works by this Act authorised the sum of forty-six thousand pounds ;
- (B) For paying the costs charges and expenses of this Act the sum requisite for that purpose ;
- (c) With the approval of the Local Government Board such further moneys as may be required for any of the purposes of this Act or otherwise in relation to their undertaking :

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

And whereas an absolute majority of the whole number of the said urban district council of Oakengates at a meeting held on the twenty-eighth day of October one thousand nine hundred and three after ten clear days' notice by public advertisement of such meeting and for the purposes thereof in the Wellington Journal a local newspaper published or circulating in the said urban district of Oakengates such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate of the said urban district :

And whereas such resolution was published twice in the said Wellington Journal a newspaper published or circulating in the said urban district of Oakengates and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the urban district council of Oakengates at a further special meeting held in pursuance of a similar notice on the 6th day of January one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion by the urban district council of Oakengates of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed and the said requirements have also been observed by the urban district council of Dawley except that the first advertisement of the meeting of electors was not published and the placards posted until the seventh day of May one thousand nine hundred and four :

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

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

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 (that is to say):—

#### PRELIMINARY.

1. This Act may be cited as the *Oakengates and Dawley Joint Water Board Act 1904.* Short title.

2. The following 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):— Incorporation of Acts.

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(A) 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;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

(2) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

(3) As regards Work No. 2 the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof:

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(4) The following provisions of the Commissioners Clauses Act 1847 (that is to say) :—

With respect to the meetings and other proceedings of the commissioners and their liabilities (except sections 45 46 48 and 52) ;

With respect to the contracts to be entered into and the deeds to be executed by the commissioners ;

With respect to the liabilities of the commissioners and to legal proceedings by or against the commissioners ;

With respect to the appointment and accountability of the officers of the commissioners ;

With respect to the making of byelaws ;

With respect to giving notices and orders ;

With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices ;

With respect to access to the special Act.

Interpreta-  
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“ The Board ” means the Oakengates and Dawley Joint Water Board ;

“ Limits of supply ” means the limits for the supply of water by the Board as defined by section 4 of this Act ;

“ The Commissioners ” “ the promoters of the undertaking ” and “ the undertakers ” mean the Board ;

“ The urban districts ” means the urban districts of Oakengates and Dawley ;

“ The urban district councils ” means the councils of the urban districts ;

“ The rural district ” means the rural district of Wellington ;

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

“ Constituent authority ” means either of the urban district councils ;

“The constituent districts” means the urban districts of **A.D. 1904.**  
Oakengates and Dawley;

“The clerk” means the clerk to the Board;

“The county council” means the Salop County Council;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Board or of any constituent authority.

4. The limits of this Act for the supply of water by the Board shall be the urban district of Oakengates and the urban district of Dawley in the county of Salop. **Limits of supply.**

#### CONSTITUTION OF BOARD.

5. For the purpose of carrying this Act into execution there shall be a joint board of such members and so constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of “The Oakengates and Dawley Joint Water Board” with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands and other property for the purposes of this Act and with all the other powers and privileges of a body corporate. **Incorporation of Board.**

6. The constitution of the Board shall (subject to the provisions of this Act) be as follows:— **Constitution of Board.**

Five members to be appointed by the urban district council of Oakengates:

Five members to be appointed by the urban district council of Dawley.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held within six weeks after the passing **Appointment of members.**

A.D. 1904.\* of this Act or within such further time as the Local Government Board shall allow and the members so appointed shall subject to the provisions of this Act continue in office until the first Wednesday in the month of May one thousand nine hundred and seven.

(2) Each constituent authority shall at a meeting of their body held on or within twenty-eight days before the first Wednesday in the month of May one thousand nine hundred and seven appoint the number of members of the Board whom they are by this Act authorised to appoint to hold office until the first Wednesday in the month of May one thousand nine hundred and ten and so on from time to time at the expiration of every successive period of three years.

Provisions  
in case of  
failure to  
appoint  
members.

8. If either constituent authority fail to appoint first members of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if either constituent authority fail to appoint members of the Board at any subsequent period of three years the then existing members of the Board representing such authority shall continue in office till their successors are appointed.

Qualification  
of members  
of Board.

9. A person shall not be qualified to be a member of the Board unless he is a member of the council of the constituent authority by which he is appointed.

Members to  
be disquali-  
fied on ceas-  
ing to be  
members of  
a constituent  
authority.

10. If a member of the Board appointed by a constituent authority ceases to be a member of such constituent authority or becomes disqualified he shall also cease to be a member of the Board but such disqualification shall not apply if he only goes out of office by reason of the expiration of the term for which he was elected a member of such constituent authority and is thereupon re-elected.

Members not  
to be in-  
terested in  
contracts.

11. A member of the Board shall not be interested either in his own name or in the name of any other person in any contract entered into or work done for the Board and shall not derive any profit or emolument whatsoever from the funds of the Board.

This provision shall not extend to any interest which a member of the Board may have by reason of his being a shareholder of a company which has entered into any contract with or done any work for the Board but he shall not vote in respect of any such contract.

12. A member of the Board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the Board for the time being. A.D. 1904.  
Resignation of member.

13. If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority whom he represented may at any time after the happening of such vacancy appoint a member of the Board in his place from amongst themselves and every member of the Board so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office. Occasional vacancies.

14. Whenever an appointment of a member of the Board has been made the clerk to the constituent authority by whom the appointment has been made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the clerk of the urban district council of Oakengates and on every subsequent appointment to the clerk to the Board. Appointment of members to be certified to Board.

15. The Board shall hold their first meeting at Edgbaston House Wellington in the county of Salop on the third Wednesday after their appointment at three thirty o'clock in the afternoon unless some other day or time shall be appointed for the purpose by the Local Government Board and then on such day and at such time as shall be so appointed. The subsequent meetings of the Board (including their annual meetings) shall be held on such days at such times and at such place or places as the Board may from time to time appoint and such meetings shall for the purposes of the Commissioners Clauses Act 1847 be deemed to be monthly meetings. First and other meetings of Board.

16. In addition to the meetings to be held by appointment of the Board the chairman of the Board or any three or more members of the Board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly provided that at least two clear days' notice thereof shall be given to each member of the Board. Power to call special meetings.

17. The first meeting of the Board shall be convened by the clerk of the urban district council of Oakengates and every subsequent meeting shall be convened by the clerk to the Board and every meeting shall be convened by circular delivered to each As to convening meetings.

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*Water Board Act, 1904.*

A.D. 1904. member of the Board or sent by post to or delivered at his residence three clear days at least before the day of the meeting.

Quorum. **18.** The number of members of the Board present to constitute a meeting of the Board shall be three.

Chairman and vice-chairman.

**19.—(1)** There shall be a chairman and vice-chairman of the Board appointed annually the latter shall be appointed by the Board and shall be one of their number but the chairman shall be appointed by the constituent authorities and shall be appointed from outside the members of the Board Provided that any person appointed to the office of chairman who is not a member of the Board shall be subject to the provisions of this Act relating to the members of the Board so far as they are applicable.

(2) The first chairman of the Board shall be appointed by the constituent authorities at the same time as they appoint their representatives on the Board.

(3) In the event of the constituent authorities at any time failing to agree upon the appointment of a chairman of the Board they shall inform the county council accordingly and the county council shall thereupon appoint such person as they think fit and the person so appointed shall hold office for the same period and under the same conditions in all respects as if he had been appointed by the constituent authorities.

Irregularities not to invalidate acts done &c.

**20.** No act of the Board or of any of the members thereof shall be invalid or illegal by reason of any irregularity in the appointment of any member of the Board or by reason of any person not qualified or ceasing to be qualified acting as a member of the Board or by reason of any failure or omission on any occasion on the part of any constituent authority to appoint any member of the Board or by reason of any other irregularity error failure or omission in or about any appointment or in or about any matter preliminary or incidental thereto.

Procedure at meetings of Board.

**21.** The proceedings at meetings of the Board shall be conducted in accordance with the following rules (that is to say):—

(A) At every meeting the chairman of the Board or in his absence the vice-chairman of the Board shall be the chairman or if neither of them is present at the time appointed for the meeting the members then present shall choose one of their number to be chairman of that meeting :



- (b) All acts of the Board and all questions coming or arising before the Board may be done and decided by the majority of such members of the Board as are present and vote at a meeting held in pursuance of this Act: A.D. 1904.

Provided that the powers contained in sections 25 and 28 (whereof the marginal notes are "Power to make waterworks" and "Power to acquire lands") of this Act shall only be put into force in pursuance of a resolution of a majority comprising two thirds of the whole number of the Board at a special meeting convened in accordance with the provisions of this Act:

In case of an equality of votes the chairman of the meeting shall have a second or casting vote:

- (c) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of that meeting or of the next ensuing meeting.

Subject to the foregoing provisions of this section the Board may make standing orders for the regulation of their proceedings and business.

**22.**—(1) A minute of proceedings at a meeting of the Board or of a committee signed at the same or the next ensuing meeting by any person describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof. Minutes of proceedings to be evidence.

(2) Until the contrary is proved every meeting of the Board or of a committee whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

**23.** The Board may appoint and may remunerate a clerk deputy clerk manager engineer treasurer and such other officers clerks and servants as they from time to time think requisite and all officers and servants so appointed shall be removable by the Board at their pleasure No member of the Board or of any of the constituent authorities shall be an officer of the Board but the Officers of Board.

A.D. 1904. same person may be and continue an officer of the Board and of a constituent authority. All acts and things required or authorised to be done by the clerk may be done by the deputy clerk and a deputy clerk may act notwithstanding a vacancy in the office of clerk.

Arbitration. **24.** If at any time any dispute or difference arises between the Board and either of the constituent authorities or between the constituent authorities or between the Board and the rural district council of Wellington respecting any matter arising under the provisions of this Act the same shall be referred to and be settled by the Local Government Board or by an arbitrator appointed by them and the Local Government Board or arbitrator as the case may be shall have an absolute discretion both as to the matter in dispute or difference and as to the costs of such reference.

WORKS TO BE EXECUTED AND LANDS TO BE TAKEN BY THE BOARD.

Power to  
make water  
works.

**25.** Subject to the provisions of this Act the Board may wholly in the county of Salop and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 A well and pumping station (to be called "Well and Pumping Station No. 1") to be situate wholly in the parish of Edgmond in the rural district of Newport to be constructed in the enclosure numbered 791 in that parish on the  $\frac{1}{2500}$  Ordnance map (county Salop 2nd edition 1902 sheet XXX-15) The said well and pumping station will be situate 1.3 chains or thereabouts measured in an easterly direction from the western corner of the said enclosure:

Work No. 2 A roadway in the parishes of Edgmond and Lilleshall in the rural district of Newport situate on land numbered 791 in the said parish of Edgmond and on lands numbered 27 and 29 in the said parish of Lilleshall on the said Ordnance map of the said county commencing at a point 1.3 chains or thereabouts measured in an easterly direction from the western corner of the said enclosure numbered 791 on the said Ordnance map of the said county and terminating by a junction with Kynnersley Drive at a point in the southern boundary of the said enclosure numbered 29 on the said Ordnance map situate 0.5 chain

or thereabouts measured in an easterly direction from the south-western corner of the said enclosure : A.D. 1904.

Work No. 3 An aqueduct conduit or line or lines of pipes (No. 1) in the parishes of Edgmond and Lilleshall in the rural district of Newport and the urban district of Oakengates commencing in the said parish of Edgmond at a point in the said enclosure numbered 791 on the said Ordnance map distant 1·3 chains or thereabouts measured in an easterly direction from the western corner of the said enclosure and terminating in the parish of St. George's in the said urban district of Oakengates in the enclosure numbered 84 in the said parish on the  $\frac{1}{2500}$  Ordnance map (county Salop 2nd edition 1902 sheet XXXVI-12) at a point 1·0 chain or thereabouts measured in a north-westerly direction from the south-eastern corner of the said enclosure :

Work No. 4 A covered service reservoir (to be called "Reservoir No. 1") and pumping station (to be called "Pumping Station No. 2") situate wholly in the said parish of St. George's in the urban district of Oakengates having a superficial area of eight thousand square feet or thereabouts to be constructed in the enclosures numbered 84 and 85 on the  $\frac{1}{2500}$  Ordnance map (county Salop 2nd edition 1902 sheet XXXVI-12) The said reservoir and pumping-station will be situate 1·0 chain or thereabouts measured in a north-westerly direction from the south-eastern corner of the said enclosure numbered 84 on the said Ordnance map of the said county :

Work No. 5 An aqueduct conduit or line or lines of pipes (No. 2) situate in the urban districts of Oakengates and Dawley and the parishes of Wellington Rural in the rural district of Wellington and Little Wenlock in the borough of Wenlock in the said county commencing in the said parish of St. George's in the urban district of Oakengates at a point in the said enclosure numbered 84 on the said Ordnance map distant 1·0 chain or thereabouts in a north-westerly direction measured from the south-eastern corner of the said enclosure and terminating in the said parish of Little Wenlock in the borough of Wenlock in the enclosure numbered 51 in the said parish on the  $\frac{1}{2500}$  Ordnance map (county Salop 2nd edition 1902 sheets XLIII-1 and 2) at a point 2·1 chains or thereabouts measured in a westerly direction from the north-eastern corner of the said enclosure :

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Work No. 6 A covered service reservoir (to be called "Reservoir No. 2") situate wholly in the said parish of Little Wenlock in the borough of Wenlock having a superficial area of three thousand five hundred square feet or thereabouts to be constructed in the said enclosure numbered 51 on the  $\frac{1}{2500}$  Ordnance map (county Salop 2nd edition 1902 sheets XLIII-1 and 2) The said reservoir will be situate 2·0 chains or thereabouts measured in a westerly direction from the north-eastern corner of the said enclosure.

Power to  
make sub-  
sidiary  
works.

26. The Board in addition to the foregoing works may upon any lands for the time being belonging to them make construct lay down and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices bywashes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers approaches telegraphic and telephonic apparatus engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the before mentioned works or any or either of them but nothing in this section shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them Provided that any telegraphs or telephones made or maintained under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Limits of  
deviation.

27. In the construction of the works authorised by this Act the Board may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of 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 not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of all other works to any extent not exceeding three feet upwards and ten feet downwards Provided as follows (that is to say) :—

The Board shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition :

Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections. A.D. 1904.

**28.** Subject to the provisions of this Act the Board may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference. Power to acquire lands.

**29.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Salop for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the same county and shall be kept by such clerk of the peace with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Board to take the lands in accordance with such certificate. Correction of errors &c. in deposited plans and book of reference.

**30.** The Board may in lieu of acquiring any lands for the purpose of laying any conduit or pipe underground under the authority of this Act acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided that where in the exercise of the powers of this section the Board acquire easements or rights in any lands for works laid underground the Board 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 at all times after the completion of the work have the same rights of passing over such lands for all purposes of or Board may acquire easements only in certain lands.

A.D. 1904. connected with the use or enjoyment of the adjoining lands as if such lands had not been used by the Board :

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

Power to grant easements &c.

**31.** 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 Board 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 or over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

**32.** The powers of the Board for compulsory purchase of lands under this Act shall cease after the expiration of one year from the passing of this Act.

Power to take additional lands by agreement.

**33.** The Board in addition to any lands which they are otherwise by this Act authorised to acquire may from time to time for any of the purposes of the undertaking of the Board by this Act authorised and hereinafter called "the undertaking" by agreement purchase take on lease or otherwise acquire any lands not exceeding in the whole twenty acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Board shall not sink drive construct or use any well drift or adit upon any such lands to the east of an imaginary line drawn north and south through the centre of Work No. 1 or create or permit the creation or continuance of any nuisance on any such lands and shall not 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 the undertaking.

For protection of corporation of

**34.** Notwithstanding anything contained in this Act the following provisions for the protection of the mayor aldermen

and burgesses of the borough of Wolverhampton shall apply and have effect (that is to say):—

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Wolverhampton.

The Board shall not acquire any land or any easement in any land and shall not directly or indirectly sink construct or use any well or other work for taking water and shall not take any water from or under any lands east of the line drawn on the plan signed in triplicate by the Right Honourable the Earl of Dartrey the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred. One of such signed plans has been deposited in the Parliament Office of the House of Lords and one in the Private Bill Office of the House of Commons.

**35.** The Board may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachment injury or pollution fouling or contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Board shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the undertaking.

Power to hold lands for protection of waterworks.

**36.** For the purpose of constructing or repairing any works by this Act authorised sinking any well or shaft executing any necessary work of repair or of emptying cleansing or examining any reservoir aqueduct conduit or catchwater line or lines of pipes or service tank or other work by this Act authorised the Board may cause the water in any such well or shaft reservoir aqueduct conduit or catchwater line or lines of pipes service tank or other work to be temporarily diverted into any available sewer stream or watercourse.

Temporary discharge of water into sewers streams &c.

In the exercise of the power conferred by this section the Board shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason of or in consequence of the exercise of such power the amount of such compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

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Power to cross Kynnersley Drive and to use Donnington Drive.

**37.** For the purposes of the undertaking and of affording access thereto the Board may use the road known as Kynnersley Drive from the southern termination of the roadway in this Act referred to as "Work No. 2" to the northern termination of the road known as Donnington Drive and may also use Donnington Drive between the said termination and its junction with Humber Lane For the purposes of this section the expression "the Board" shall include their contractors officers duly authorised workmen and servants carts and vehicles of every description but the Board shall not cart or carry building or other materials along the said roads for the purpose of executing Work No. 1 without the consent of the Duke of Sutherland his heirs successors in estate or assigns whose consent shall not be unreasonably withheld In the exercise of the power conferred by this section the Board shall do as little damage to the said roads as may be and with all reasonable speed shall make good any damage which they may do.

Power to sell &c. lands.

**38.** Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Board may sell lease or otherwise dispose of any lands acquired by them under this Act and not for the time being required for the purposes of the undertaking.

Reservation of water rights on sale.

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

Time for completion of works.

**40.** If the works shown on the deposited plans are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Board for executing such works or otherwise in relation thereto shall cease except as to such of them or so much thereof as is then completed :

Provided that nothing herein contained shall restrict the Board from extending enlarging deepening or increasing the



number of altering reconstructing or removing any of their wells shafts adits tanks gauges drains sluices catch-pits conduits culverts valves wash-outs bywashes engines pumps machinery apparatus mains pipes or other works or plant at any time and from time to time as the Board may think fit for the purposes of the undertaking.

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41. The following provisions shall have effect for the benefit and protection of the Most Noble Cromartie Duke and Earl of Sutherland Sir Thomas Charlton Meyrick Baronet and Ralph Leeke their and each of their heirs and successors in estate and assigns (all or any of whom are except where otherwise stated in this section included in the expression "the owner") (that is to say):—

For protec-  
tion of Duke  
of Suther-  
land and  
others.

(1) If the supply of water from any existing well pond pool or watering-place situate in or upon the lands of the owner within a radius of two miles from any well authorised by this Act is at any time diminished in consequence of the exercise by the Board of the powers conferred on them by this Act the Board shall make good the deficiency and for that purpose shall afford to any lands houses or premises of the owner within the said radius a supply of water free of all cost and such supply shall be of such quantity and shall be given at such time and place and in such manner as may be agreed or as may be determined by arbitration Provided always that it shall not be obligatory on the owner to show that such diminution has been caused by the exercise of the Board of the powers conferred on them by this Act but on the other hand it shall be competent for the Board to show that any such diminution has not been caused by the exercise of such powers:

(2) All mains pipes meters and fittings required for the purpose of supplying water to the owner in pursuance of this section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Board and the owner shall afford to the Board all reasonable or necessary facilities for those purposes but all such fittings shall be maintained and repaired and (when necessary) renewed and made good by the owner to the satisfaction of the Board:

A.D. 1904.

- (3) At all reasonable times after the passing of this Act the Board may upon giving not less than twenty-four hours' previous notice in writing to the owner or his agent inspect and test any wells ponds pools or watering places within the radius aforesaid and for that purpose may enter upon the land and premises upon which any such well pond pool or watering place is situate making good any damage caused by such inspection or entry :
- (4) The Board may purchase and the Duke of Sutherland his heirs successors in estate or assigns (hereinafter referred to as "the Duke") shall sell to the Board an easement only for executing Works No. 2 and No. 3 authorised by this Act and the price to be paid for such easement shall if not agreed be ascertained under the Lands Clauses Acts :
- (5) The easement acquired by the Board under the provisions of this section shall be limited to a width of twenty-one feet in respect of Work No. 2 and to a width of six feet in respect of Work No. 3 and the highest part of Work No. 3 shall not without the consent of the Duke be less than two feet under the present surface of the ground :
- (6) The works by this Act authorised through the estate of the Duke shall be constructed only between the first day of February and the first day of October in any year :
- (7) Any telegraph or telephone wires or other means of communication laid by the Board through the estate of the Duke shall be placed underground and within the limit of the easement :
- (8) All surplus material arising from the construction or the maintenance of the works authorised by this Act shall be conveyed by the Board to such place upon the estate of the Duke within a radius of half a mile from the point where the surplus is obtained as the Duke may from time to time direct or at the option of the Duke shall be taken off the said estate :
- (9) The Board shall not take or appropriate or interfere with any drains or watercourses on the estate of the Duke except in such cases as a diversion thereof shall be necessary and in the event of any such diversion being made the Board shall carry out the works and restore

the premises as nearly as may be to their existing levels and so as not to interfere with the flow of water on the said estate: A.D. 1904.

- (10) The Board shall construct and maintain and keep all their works constructed and maintained by them under the authority of this Act in or upon or near the owner's estate as far as practicable watertight and shall compensate and indemnify the owner his lessees and tenants for and against any loss or damage caused by the leakage or bursting of the reservoirs aqueducts or works by this Act authorised :
- (11) The Board shall during the construction and repair of the works prevent any trespass on the property of the owner :
- (12) Any question which may arise between the Board and the owner as to the quantity time place or manner of the supply to be given by the Board in pursuance of this section and any other dispute question or difference which may arise between the Board and the owner under the foregoing provisions of this section shall be referred to the arbitration of an engineer appointed unless otherwise agreed by the Local Government Board and the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (13) If the Board neglect or refuse to give a supply of water to the owner in accordance with the provisions of this section they shall be liable to a penalty not exceeding ten pounds and to a further penalty not exceeding forty shillings for every day on which the neglect or refusal shall continue after conviction :
- (14) The Board and the owner may enter into and fulfil agreements with reference to the supply of water by the Board to the owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section.

42. In executing the works and exercising the powers by this Act authorised and conferred so far as they affect main roads and county or main road bridges of the county of Salop the following provisions for the protection of the county council shall except

For protec-  
tion of Salop  
County  
Council.

A.D. 1904. so far as otherwise agreed to between the Board and the county council have effect (that is to say):—

- (1) All aqueducts conduits or lines of pipes to be laid in or along any main road or in upon or across any main road bridge shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct:
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking-up of streets for the purpose of laying pipes shall extend and apply to all main roads and county or main road bridges opened and broken up or interfered with by the Board in the exercise of the powers of this Act Provided that the notice required by section 30 of that Act shall be not less than seven days instead of three days:
- (3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and shall be delivered to the county council or their surveyor by the Board not less than in case of a bridge one month and in all other cases fourteen days before they commence to break or open up any main road or interfere with any county or main road bridge for the purpose of executing the works:
- (4) Nothing in this Act shall authorise the Board to interfere with the structural part of any county or main road bridge without the consent in writing of the surveyor of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council or their surveyor may reasonably determine Provided that the county council shall be deemed to have given such consent if within one month after plans showing such interference have been submitted to their surveyor he shall not have given notice to the Board objecting thereto:
- (5) Nothing in this Act shall interfere with the right of the county council to alter the level or deviate or improve in any manner they think fit any main road in or along which any aqueduct conduit or line of pipes of the Board shall have been laid and the Board shall forthwith on receiving notice in writing under the hand of the surveyor of the county council alter the position

of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in the case of a difference shall be determined by arbitration in the manner hereinafter prescribed and the expenses of any such alteration deviation or improvement shall be paid to the Board by the county council: A.D. 1904.

- (6) Nothing in this Act shall interfere with the right of the county council at any time or times to remove alter or rebuild any county or main road bridge or the approaches thereto over near or attached to which any aqueduct conduit or line of pipes of the Board is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto if this Act had not passed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Board shall at the cost in all things of the county council alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid Provided that during the removal alteration or rebuilding of such bridge as aforesaid the county council shall at their own expense afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across the stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes:
- (7) All work shall be so executed by the Board as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any main road or over any county or main road bridge or the approaches thereto:
- (8) The county council shall not be liable for or in respect of any damage or injury done to any work of the Board by reason of such work being laid at a depth below the surface of any main road insufficient for its protection

A.D. 1904.

from injury arising from the reasonable use of any steam or other roller for the repair of such road or from the passage of the traffic in such road or in repairing any county or main road bridge or the approaches thereto or by reason of the non-repair of any such road bridge or approaches:

(9) If any difference at any time arises between the county council and the Board touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party.

Application of provisions of Public Health Acts as to water-works.

43.—(1) The Board may for the purposes of their water undertaking construct lay down erect and maintain such conduits mains pipes culverts sluices wells tanks cisterns engines machinery buildings works and conveniences as they may from time to time deem necessary.

(2) The Board shall in carrying out the provisions of subsection (1) of this section have the powers of a local authority under section 54 of the Public Health Act 1875 in respect to the carrying of water mains within and without their district and for the purposes of that section the limits of supply shall be deemed to be the district of the Board.

(3) The powers by this section conferred shall be in addition to and shall not be construed so as to limit derogate from or otherwise affect any other powers vested in the Board under this Act.

For protection of London and North Western Railway Company.

44. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the North Western Company") shall unless otherwise agreed between the North Western Company and the Board have full force and be binding upon the Board:—

(1) In carrying the aqueduct conduit or line or lines of pipes No. 1 (Work No. 3) under the Wellington and Stafford Railway of the North Western Company and in carrying the aqueduct conduit or line or lines of pipes No. 2 (Work No. 5) over the Coalport Branch Railway of that company and in laying down any other mains or pipes or in executing any other works under or in exercise of the powers conferred by this Act across in close proximity to or in any way affecting the railways

A.D. 1904.

works lands or property belonging to or used or occupied by the North Western Company as also in effecting the maintenance repairs and renewals of the said aqueducts conduits or lines of pipes or other works the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of the North Western Company and before commencing any such works the Board shall deliver to the said principal engineer plans sections and specifications of the works proposed to be executed and such plans sections and specifications shall be delivered at least fourteen days before the commencement of any such work and if at the expiration of fourteen days from such delivery the plans sections and specifications shall not be approved by the said principal engineer there shall be deemed to be a difference which difference shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned and all such works shall be executed by and in all things at the expense of the Board and so as not to cause any injury to the said railways works lands or property or interruption to the passage or conduct of the traffic over the said railways and if any injury shall arise to the said railways works lands or property or interruption to such traffic the Board shall make full compensation to the North Western Company in respect of such injury or interruption:

- (2) The said aqueduct conduit or line or lines of pipes No. 1 (Work No. 3) where the same shall be carried under the Wellington and Stafford Railway of the North Western Company at or near Donnington level crossing and for the distance of twenty-five feet measured from the outside rail on each side thereof shall be constructed and maintained by means of steel pipes not exceeding twelve inches diameter surrounded with cement concrete of at least nine inches in thickness so that no part of the said concrete shall be less than three feet three inches below the level of the rails of the said railway at the said point of crossing:
- (3) The said aqueduct conduit or line or lines of pipes No. 2 where the same shall be carried over the bridge over

A.D. 1904.

the Coalport Branch Railway of the North Western Company shall for its entire length over the said railway and for twenty-five feet on each side thereof be constructed and maintained by means of steel pipes not exceeding seven inches in diameter to be surrounded with cement concrete but so as in no way to interfere with the said bridge :

- (4) All such works at such crossings and the maintenance repairs and renewals thereof shall be done and executed by the Board to the reasonable satisfaction in all respects and under the superintendence of such engineer (if the same be given) and at such reasonable times as he shall approve and in all things at the expense of the Board and whenever any such works maintenance repairs or renewals are constructed they shall be so constructed executed and maintained that the said railway or any of the works thereof respectively shall not be injured nor the traffic upon the said railway in any way impeded :
- (5) The Board shall at all times maintain the said aqueducts conduits or lines of pipes and all other works connected therewith where the same are carried under or across the railways works or property of the North Western Company in substantial repair and good order and condition to the reasonable satisfaction of the said principal engineer and if and whenever the Board fail so to do the North Western Company may make and do all such works and things as may be reasonably requisite in that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Board :
- (6) If by reason of any works or proceedings of the Board or of their contractors or of their workmen or of the leakage bursting or failure of any aqueducts conduits works or pipes of the Board the said railways or any of the works or lands thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Board at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the North Western Company may make good the same and recover the reasonable



expense thereof from the Board and if any interruption shall be caused to the traffic of the said railways by reason of any of the works of the Board or of any such leakage bursting or failure as aforesaid the Board shall make good and repay to the North Western Company any loss damage or expense which they may sustain or be put to by reason of the construction or the leakage bursting or failure of any of the said aqueducts conduits pipes or works or in respect of the interruption of the traffic of the said railways :

- (7) The Board shall not without the consent in writing of the North Western Company under their common seal purchase take enter upon or use temporarily or permanently any lands property or works of the North Western Company or any estate right easement privilege or authority in over or upon the same respectively or alter vary or interfere with the said railways or any of the respective works thereof or thereto appertaining except as by this section provided :
- (8) The Board shall bear and on demand pay to the North Western Company the reasonable expense of the employment by them during the making or maintenance of the aqueducts conduits or lines of pipes by this Act authorised across the said railway and works of a sufficient number of inspectors signalmen or watchmen for watching the said railways and works and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said intended 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 any person or persons in the employ of the Board with reference thereto or otherwise :
- (9) If any difference shall arise between the Board and the North Western Company or their respective engineers as to the reasonableness of the plans sections and specifications hereinbefore provided for or otherwise under this section such difference shall be referred to and determined on the application of either party by an engineer to be appointed as arbitrator by the President of the Institution of Civil Engineers.

A.D. 1904.

For protec-  
tion of Great  
Western  
Railway  
Company.

45. For the protection of the Great Western Railway Com-  
pany (hereinafter referred to as "the Great Western Company")  
the following provisions shall apply:—

(A) In laying down altering improving enlarging extending  
maintaining or renewing or in executing or effecting  
the repairs or renewals of any mains pipes or other  
works in the exercise of the powers contained in this  
Act upon across under or adjoining or in any way  
affecting the railways lands and property now or here-  
after belonging to or used or occupied by the Great  
Western Company or the bridges approaches viaducts  
stations or other works or any level crossings over  
the railways of the Great Western Company the same  
shall be done under the superintendence and to the  
reasonable satisfaction of the principal engineer of the  
Great Western Company and only according to such  
plans and in such manner as shall be submitted to  
and as shall be previously reasonably approved by  
him in writing:

(B) All such works shall be done by and at the expense of  
the Board except as in this section otherwise provided  
who shall also restore and make good to the reasonable  
satisfaction of the said engineer the roads over or under  
any bridge or over any level crossing of the railway of  
the Great Western Company or over the approaches  
to any such bridge or level crossing so far as the same  
may be disturbed or interfered with by or owing to any  
operations of the Board Provided always that should  
the Great Western Company elect so to do where any  
mains or pipes require to be laid under or across any  
level crossing of their railway they may themselves  
lay the same at the costs charges and expenses of the  
Board:

(C) All such works and operations and all matters incidental  
thereto shall be constructed executed and done so as to  
cause as little injury as may be to such railways bridges  
level crossings approaches viaducts stations works lands  
or property and so as to cause no interruption to the  
passage or conduct of traffic over such railways or at  
to or from any station thereon:

A.D. 1904.

(D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the leakage or failure of any such mains pipes or works in under or near to any railway bridge level crossing embankment cutting approach viaduct station land works or property of the Great Western Company the Board shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner hereinafter provided :

(E) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Board may have been constructed or laid the Great Western Company may on giving to the Board fourteen days' notice in writing under the hand of their secretary or general manager and in case of emergency of which their engineer shall be the sole judge without notice divert support or carry the said works of the Board across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works :

(F) Except as in this section otherwise provided any dispute or difference which may arise between the Great Western Company and the Board with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Board or either of them.

**46.** For the protection of the Shropshire Union Railways and Canal Company (hereinafter referred to as "the Shropshire Union Company") the following provisions shall unless otherwise agreed

For protection of Shropshire Union Railways and

A.D. 1904. between the Board and the Shropshire Union Company apply and  
Canal Com. have effect (that is to say) :—  
pany.

- (1) The Board shall not in the exercise of any of the powers of this Act enter upon acquire interfere with injure or carry any aqueduct conduit or line of pipes over along or across any canal lock bridge approach culvert towing path embankment or other work or property of the Shropshire Union Company or any road repairable by them without in every case the previous written consent of that company which consent shall not be unreasonably withheld :
- (2) In laying altering improving enlarging extending maintaining or renewing or in executing or in effecting the construction repair or renewal of any aqueduct conduit pipe culvert or other work in exercise of the powers contained in this Act upon across over under or adjoining or in any way affecting the canals towing paths lands and property of the Shropshire Union Company or the bridges approaches or other works over the same the work shall be done by and at the expense of the Board under the supervision of and to the reasonable satisfaction of the engineer of the Shropshire Union Company and in accordance with plans sections and specifications to be previously submitted to and approved by him :
- (3) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little interference as may be to the canals bridges approaches culverts towing paths embankments lands or property of the Shropshire Union Company and so as not to cause any interruption to the passage or conduct of traffic along to or from such canals or towing paths The Board shall make good and restore to the satisfaction of the engineer of the Shropshire Union Company any injury or damage which may be caused by any such interference :
- (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations or matters aforesaid or the bursting leakage or failure of any such aqueduct conduit line of pipes or other work of the Board the Board shall make full

compensation to the Shropshire Union Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in manner herein-after provided: A.D. 1904.

- (5) If and as often as at any time hereafter the Shropshire Union Company shall have occasion to alter repair raise or rebuild any canal bridge culvert or work belonging to them upon over under through along across or by the side of which any aqueduct conduit line of pipes or other work may be carried or laid by the Board any alteration of the same that may in the opinion of the engineer of the Shropshire Union Company be necessary in connection therewith shall be made and the aqueduct conduit line of pipes or other work shall be replaced by and at the expense of the Board but no such altering repairing raising or rebuilding shall be commenced except in cases of emergency until twenty-eight days after notice of the intention of the Shropshire Union Company in that behalf shall have been given by the Shropshire Union Company to the Board and if the Board fail or neglect to alter such main pipe or other work the engineer of the Shropshire Union Company may make such alterations thereof as he may consider necessary and the Shropshire Union Company may recover from the Board all expenses of and consequent upon such alteration as or by way of ascertained damages and the Shropshire Union Company shall not be liable to make compensation for any damage loss or injury occasioned by any alteration of such pipe or pipes:
- (6) The Board shall not take away or interfere with any springs brooks streams feeders drains waters or water-courses taken or made use of by the Shropshire Union Company for the purposes of their canals nor do anything to prevent any of such waters from flowing in the canals or any feeder or reservoir of the Shropshire Union Company and the Board in executing the works or exercising the powers by this Act authorised or conferred shall not do anything which in the opinion of the engineer of the Shropshire Union Company would be calculated to endanger or injuriously affect the canals embankments and other works of that company:

A.D. 1904.

(7) If any dispute or difference shall arise with reference to the provisions of this section or in any way arising thereout, the same shall be settled by an arbitrator to be appointed by the Board of Trade on the application of the Shropshire Union Company and the Board or either of them.

SUPPLY.

Rates for  
supply of  
water for  
domestic  
purposes.

47. The Board shall, at the request of the owner or occupier of any dwelling house or part of a dwelling house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at the rates per annum hereinafter specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed eight pounds per annum the sum of eight shillings and eightpence:

Where the rateable value exceeds eight pounds and does not exceed fifteen pounds at a rate per centum per annum not exceeding seven pounds:

Where the rateable value exceeds fifteen pounds and does not exceed twenty pounds at a rate per centum per annum not exceeding six pounds:

Where the rateable value exceeds twenty pounds at a rate per centum per annum not exceeding five pounds.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Provided that nothing in this section shall entitle the Board in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum than they would be entitled to demand if the house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum is chargeable.

48. In addition to the foregoing charges the Board may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding five shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Board may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

A.D. 1904.  
Rates for  
waterclosets  
and baths.

49. Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Board so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Rates pay-  
able by  
owners of  
small houses.

50.—(1) The Board shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply to  
houses partly  
used for  
trade &c.

(2) Where a supply of water to a farm house is used for farming purposes the Board may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Board to refuse a supply of water for domestic purposes to a farm house at the ordinary rate calculated at the rateable value thereof.

(3) The Board shall not charge a higher rate than one shilling per thousand gallons for any supply by meter given under this section with a minimum of five shillings per quarter.

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

Board not  
bound to sup-  
ply several  
houses by  
one pipe.

52. A notice to the Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be

Notice of  
discontin-  
uance.

A.D. 1904. — in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Board.

Byelaws for preventing waste &c. of water.

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

(2) Such byelaws shall apply only in the case of premises to which the Board are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to all byelaws so made.

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

Mode of giving notice.

**54.** The notice to be given previous to entry under the powers of the last preceding section shall be in writing and shall be served in manner following (that is to say) :—

If the premises intended to be entered be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry :

If the premises be unoccupied and the owner thereof and his usual place of abode be in England and be known to the Board then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post by registered letter



addressed to him at his usual place of abode forty-eight hours at least previously to such entry : A.D. 1904.

If the premises be unoccupied and the owner thereof or his usual place of abode be not in England or be not known to the Board then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

For the purposes of this section any person receiving the rents of any such premises either on his own account or as agent or as trustee for any other person or who would so receive the same if such premises were let at a rent shall be deemed the owner of such premises.

**55.** The Board may supply water for other than domestic purposes on such terms and conditions as the Board think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes throughout the limits of supply Provided also that the price to be charged for a supply by measure shall not exceed one shilling per thousand gallons except that the Board may for such a supply require a minimum payment of five shillings per quarter.

Supply of water for other than domestic purposes and by measure.

**56.** The Board may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Board to let for hire any water fittings to any person supplied by them with water.

Power to sell or let meters &c.

**57.** Before any person connects or disconnects any meter by means of which any of the water of the Board is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Board of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Board and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to Board of connecting or disconnecting meters.

A.D. 1904.  
Repair of  
meters.

**58.** Every consumer of water of the Board shall at all times at his own expense keep all meters belonging to him whereby any water of the Board is registered in proper order for correctly registering such water in default whereof the Board may cease to supply water through such meters and the Board shall at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removal testing and inspection and replacing to be done at the expense of the Board if the meter be found in proper order but otherwise at the expense of the consumer.

Detection of  
waste.

**59.** Subject to the provisions of this Act the Board may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Board and stop cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Board shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Register of  
meter to be  
prima facie  
evidence.

**60.** Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Board Provided that if the Board and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring  
meters &c.

**61.** Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Board or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity

of water supplied or fraudulently abstracts consumes or uses water of the Board shall (without prejudice to any other right or remedy for the protection of the Board) for every such offence forfeit and pay to the Board a sum not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained: A.D. 1904.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Board or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Board the Board may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Board by the person so offending and may be recovered by them as water rates are recoverable.

The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

**62.** The Board may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Board in providing such materials and executing such work shall be paid by the person requiring the same. Power to Board to supply materials and do repairs.

**63.** The Board may on the application of the owner or occupier of any premises within the limits of this Act abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up Power to lay pipes in streets not dedicated to public use.

A.D. 1904. — alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Contracts  
for supply of  
water in  
bulk.

**64.** The Board may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Public  
drinking  
fountains.

**65.** The Board may put up continue remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Board may think fit and every person who shall wilfully use any water so gratuitously supplied elsewhere or otherwise than as hereinbefore mentioned or foul such water shall for every such offence be liable to a penalty not exceeding forty shillings.

#### FINANCE.

Power to  
borrow.

**66.**—(1) The Board may from time to time borrow at interest for the purposes following any sum or sums of money not exceeding the amounts hereinafter specified (that is to say) :—

- (A) For the purchase of land and the construction of works by this Act authorised the sum of forty-six thousand pounds :
- (B) For paying the costs charges and expenses of this Act the sum requisite for that purpose :
- (C) With the approval of the Local Government Board such further moneys as may be required for any of the purposes of this Act or otherwise in relation to their undertaking.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of interest thereon the Board

may mortgage and charge the revenue of the undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect within the respective districts of the constituent authorities under the powers of this Act.

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**67.** The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of such issue under the last-mentioned Act the Board shall be deemed a local authority under that Act and the revenue of their undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect shall be deemed to be the local rate as defined by the said Act:

Mode of raising money.

Provided that the Board shall not invest any moneys standing to the credit of any sinking fund in their own securities and the provisions of this Act in regard to the formation of sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

**68.** The following sections of the Public Health Act 1875 shall with the necessary modifications extend and apply to mortgages granted under this Act (that is to say):—

Provisions of Public Health Act as to mortgages to apply.

- Section 236 Form of mortgage;
- Section 237 Register of mortgages;
- Section 238 Transfer of mortgages.

**69.** The Board shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

Periods for discharge of loans.

- As to moneys borrowed for the purposes (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within such period as shall be sanctioned by the Local Government Board not exceeding fifty years from the date or dates of the borrowing of the same:
- As to moneys borrowed for the purpose (B) in the said section mentioned within five years from the passing of this Act:
- As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

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Mode of pay-  
ment off of  
moneys bor-  
rowed.

70. The Board shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund. Provided that it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund (other than moneys borrowed for payment of the costs of this Act or moneys borrowed with the sanction of the Local Government Board) until the expiration of three years from the date of borrowing the same or until the completion of the works authorised by this Act whichever shall be the earlier.

Regulations  
as to sinking  
fund.

71. If the Board determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed:—

The Board in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security under this Act and repayable by a sinking fund within the prescribed period:

The rate of accumulation on which the amounts paid to the sinking fund are based is hereinafter referred to as "the prescribed rate":

Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities the Board being at liberty from time to time to vary and transpose such investments. Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund;

(b) The Board may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment whereof the sinking fund was set aside in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum per annum on which the annual payments to the sinking fund are based. Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Board may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

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72. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Protection of lender from inquiry.

73. The Board shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Board not to regard trusts.

74.—(1) The mortgagees of the Board by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In

Appointment of receiver.

A. D. 1904. 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 one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Power to  
re-borrow.

75. If the Board pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Return to  
Local Gov-  
ernment  
Board as to  
repayment  
of debt.

76.—(1) The clerk to the Board shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk to the Board showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk to the Board shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the



A.D. 1904.

High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

77. All moneys borrowed by the Board under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and except in the case of money borrowed for working capital to which capital is properly applicable.

Application  
of money  
borrowed.

78. Any capital moneys received by the Board on the sale or lease of any lands in pursuance of the powers of this Act shall be distinguished as capital in the accounts of the Board and may be applied in or towards defraying any expenditure for which the Board have by virtue of this Act for the time being unexhausted borrowing powers and capital moneys so received and not so applied shall be applied in discharge of any moneys borrowed by the Board under this Act but shall not be applied to the payment of instalments and to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed moneys discharged by the application of such moneys shall not be re-borrowed. Provided that the borrowing powers of the Board for expenditure defrayed by the application of sums so received shall be reduced to the extent of the sums applied.

Proceeds of  
sale of sur-  
plus lands to  
be treated as  
capital.

79. The Board shall be deemed to be an urban authority within the meaning of Part V. of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act and the Board may exercise their borrowing powers by the creation

Board may  
issue stock.

A.D. 1904. — and issue of stock in the manner by that Act provided and subject to the provisions therein contained.

Application  
of revenue.

80. The Board shall apply all moneys from time to time received by them in respect of their undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

First In payment of the working and establishment expenses and cost of maintenance of their undertaking :

Secondly In payment of the interest on moneys borrowed by the Board under this Act :

Thirdly In providing the requisite instalments or sinking fund payments in respect of moneys borrowed by the Board under this Act :

Fourthly In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Board from their undertaking or to meet any extraordinary claim or demand at any time arising against the Board and so that if that fund is at any time reduced it may thereafter be restored to the sum of two thousand pounds and so from time to time as often as such reduction happens :

Fifthly In repayment to the constituent authorities of any amounts paid by them to the Board in manner hereafter provided to make good any deficiency in the net revenue of the Board together with compound interest upon such amounts at three pounds per centum per annum with yearly rests :

Lastly The surplus (if any) including the interest on the reserve fund when such fund amounts to two thousand pounds shall from time to time be divided between and paid to the constituent authorities respectively in the proportion in which deficiencies in the net revenue of the Board are under the provisions hereinafter contained apportioned between and paid up by such constituent authorities respec-

tively and the several portions of such surplus when paid shall be carried by the constituent authorities respectively to the credit of the funds or rates out of which the original contributions were made. A.D. 1901.

**81.**—(1) At the commencement of every financial year the Board shall make or cause to be made an estimate of the probable revenue and expenditure which will be received and incurred respectively during the year and if such estimate shows that there will be a deficiency in the net revenue of the Board for the year the Board are hereby authorised and required in every such case forthwith to apportion such deficiency between the constituent districts. Deficiency in revenue of Board to be made good by constituent authorities.

(2) The amount of the deficiency to be apportioned to and borne by each of the constituent districts shall be in proportion to the mean or average of its rateable value and population according respectively to the valuation lists for the time being in force in such district and to the number of inhabitants according to the returns of the last census prior to such apportionment.

**82.**—(1) The Board shall issue precepts to the constituent authorities for the amounts so respectively apportioned under the foregoing section and the constituent authorities respectively shall within two months from the receipt of such precepts pay to the Board the amounts so apportioned to their districts respectively. Mode of obtaining contributions towards deficiency in revenue from constituent authorities.

(2) Such amounts shall be paid out of the district funds and general district rates of such constituent authorities respectively which funds and rates are hereby charged with the payment of the same accordingly and the constituent authorities respectively are hereby authorised and required to make and levy any rate or issue any precept that may be necessary for providing the amounts payable as aforesaid.

(3) If any constituent authority fails to pay any amount so apportioned within the time aforesaid the same shall be a debt due to the Board from such constituent authority and shall bear interest until payment at the rate of four pounds per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say) :—

(A) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction :

(B) The Board may by precept empower some officer of the Board to raise by means of a rate upon the district

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of the defaulting authority and to be made levied and collected in the like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall for the purposes of this section have the like powers of making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

(4) Any receiver appointed under this Act shall be entitled to receive the amount so apportioned by the Board between the constituent districts and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amount so apportioned.

#### MISCELLANEOUS.

Power to  
Board to  
apply to Par-  
liament.

83.—(1) It shall be lawful for the Board from time to time to promote a Bill in Parliament for any amendment of this Act or any alteration or extension of their powers or to oppose any Bill or Provisional Order which in their judgment may injuriously affect their undertaking and to apply their revenue to the payment of the costs and expenses attending such promotion application or opposition.

(2) In promoting or opposing Bills in Parliament the Board shall comply with the provisions of the Borough Funds Acts 1872 and 1903 so far as the same are applicable and for the purposes of the said Acts the Board shall be deemed to be a council the limits

of supply an urban district and the electors the parochial electors of the respective constituent districts enrolled in the register of parochial electors for the time being in force. A.D. 1904.

(3) All expenses incurred by the Board under this section shall be deemed establishment expenses and shall be payable accordingly.

**84.** The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Board and of their committees and officers and to the audit thereof Provided that the accounts of the Board shall be made up yearly to the thirty-first day of March in each year. Audit.

**85.** Section 176 (Regulations as to purchase of land) and section 303 (Power to repeal and alter local Acts) of the Public Health Act 1875 shall extend and apply to and may be exercised by the Board as if they were a local authority within the meaning of those sections and the Local Government Board may make such orders as they are by those sections empowered to make on the petition or application of a local authority. Extension of sections 176 and 303 of Public Health Act 1875 to Board.

**86.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 is hereby incorporated with this Act. Incorporation of section 265 of Public Health Act 1875.

**87.—(1)** The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. Inquiries by Local Government Board.

(2) The Board shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(3) The Board shall be deemed to be a local authority within the meaning of the Local Taxation Returns Act 1860.

A.D. 1904.  
Justices not  
disqualified.

**88.** No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a member of the Board or of his being liable to the payment to the Board of any water rent or rate.

Several sums  
in one sum-  
mons or  
warrant.

**89.** Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Costs of Act.

**90.**—(1) The costs charges and expenses of and incident to the preparing for obtaining and passing this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the constituent authorities and the Wellington Rural District Council in manner hereinafter appearing (that is to say):—

The amount to be apportioned to and borne by each of the constituent authorities shall be in proportion to the mean or average of the rateable value and population of their districts at the passing of this Act and the amount to be apportioned to and borne by the rural district council shall be in proportion to the mean or average of the rateable value and population at the same date of the parish of Hadley and the portion of the parish of Wellington Rural shown on the plan deposited with the clerk of the peace for the county of Salop Provided that the rural district council shall not contribute towards any of the said costs charges and expenses incurred subsequent to the thirteenth day of June one thousand nine hundred and four :

For the purposes of this section the rateable value shall be according to the valuation lists for the time being in force within each of the constituent districts the parish of Hadley and the said portion of the parish of Wellington Rural respectively and the population of each of such districts and of the parish of Hadley and the said portion of the parish of Wellington Rural shall be assumed to be and shall be taken at five times the number of parochial electors enrolled on the register of parochial electors for the time being in force.

(2) The amount payable by each of the constituent authorities shall in the first instance be paid by them out of any of their funds or rates but shall be repaid to them by the Board out of the moneys to be borrowed by them under the powers of this Act.

(3) The amount payable by the rural district council shall be paid by them as general expenses out of their common fund to the constituent authorities or one of them within four months after the passing of this Act and shall be a debt due to the constituent authorities from the rural district council and in case of default in payment shall be recoverable from them by the constituent authorities or one of them in any court of competent jurisdiction.

A.D. 1904.  
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