

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.



CHAPTER lxxxix.

An Act to constitute and incorporate a joint board consisting of representatives of the county council of the administrative county of Hertford the councils of the city of St. Alban and of the boroughs of Hemel Hempstead and Watford the urban district councils of Bushey Chorleywood and Rickmansworth and the rural district councils of Barnet Hatfield Hemel Hempstead St. Albans and Watford all in the county of Hertford and the urban district council of Potters Bar in the county of Middlesex to authorise the Board to construct main sewers and other works and to acquire lands for the disposal of sewage to amend certain provisions of the Hertfordshire County Council Act 1935 and for other purposes. [20th July 1937.]

A.D. 1937.
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WHEREAS it is expedient to improve the arrangements as regards sewerage and drainage in the city of St. Alban the boroughs of Hemel Hempstead and Watford the urban districts of Barnet Bushey Chorleywood Great Berkhamstead Rickmansworth and Tring the rural districts of Barnet Berkhamstead Hatfield Hemel Hempstead St. Albans and Watford all in the county of Hertford the urban district of Chesham and the rural district of Amersham in the county

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937. of Buckingham and the urban district of Potters Bar in the county of Middlesex and the disposal of sewage therefrom :

And whereas it would be of public advantage to avoid separate arrangements for those purposes being made by the councils of the said city boroughs and districts and to provide for a general scheme for the more effectual drainage of the said city boroughs and districts and for such purposes to constitute and incorporate a Board (hereinafter referred to as "the Board") as by this Act provided and to authorise the Board to construct main sewers and other works for the disposal of sewage and to acquire lands for those purposes :

25 & 26
Geo. 5.
c. cxiii.

And whereas it is expedient that the Hertfordshire County Council Act 1935 should be amended as by this Act provided :

And whereas it is expedient that the Board and the constituent authorities should be empowered to borrow moneys for the purposes of this Act :

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

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

	£
The purchase of lands and easements -	20,000
The construction of the works authorised by this Act - -	705,000
The construction of sewage disposal works - - - - -	447,000

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

And whereas plans showing the lands proposed to be acquired and plans and sections of the works proposed to be constructed under this Act and a book of reference to such plans have been duly deposited with the clerks of the county councils of the administrative counties of Hertford and Middlesex which plans

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference : A.D. 1937.
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And whereas in relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 so far as applicable to the Hertfordshire County Council have been observed by them : 23 & 24
Geo. 5. c. 51.

And whereas the objects of this Act cannot be attained 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) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Hertfordshire County Council (Colne Valley Sewerage &c.) Act 1937. Short title.

2. This Act is divided into Parts as follows :— Division of Act into Parts.

Part I.—Preliminary.

Part II.—Establishment constitution and proceedings of Board.

Part III.—Works.

Part IV.—Lands.

Part V.—Provisions as to sewers and sewage disposal works.

Part VI.—Financial provisions.

Part VII.—Protective provisions.

Part VIII.—Amendment of Hertfordshire County Council Act 1935.

Part IX.—Miscellaneous.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART I.

—cont.

Incorporation of Acts.

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

(1) The Lands Clauses Acts with the following exceptions and modifications:—

8 & 9 Vict.
c. 18.

(a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

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

8 & 9 Vict.
c. 20.

(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. Provided that in construing the said provisions for the purposes of this Act “the railway” shall mean the sewers by this Act authorised and “the centre of the railway” shall mean the centre lines of such sewers.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with or which apply for the purposes of this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that in the construction of any of the said Acts for the purposes of this Act the expressions “the undertakers” or “the company” shall mean the Board.

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

22 & 23
Geo. 5.
c. xxxvii.

“the Act of 1932” means the Thames Conservancy Act 1932;

“the Act of 1933” means the Local Government Act 1933;

“the Act of 1935” means the Hertfordshire County Council Act 1935;

26 Geo. 5. &
1 Edw. 8.
c. 49.

“the Act of 1936” means the Public Health Act 1936;

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

- “appointed day” means the first day of April
nineteen hundred and thirty-eight; A.D. 1937.
- “appointing authority” means the county council
or any constituent authority; PART I.
—cont.
- “the authorised works” means the works authorised
by section 19 (Power to make works) and
section 21 (Power to make general works)
of this Act;
- “the Barnet Rural Council” means the rural
district council of Barnet;
- “the Board” means the Colne Valley Sewerage
Board incorporated by this Act;
- “bridge authority” means—
- (i) in the case of a county bridge the
county council of the administrative county
in which the bridge is situate;
- (ii) in the case of a bridge which carries
a highway repairable by the inhabitants at
large but is not a county bridge the council
who are the highway authority in respect
of that highway;
- (iii) in the case of any other bridge the
authority or person responsible for the
maintenance thereof;
- “the Bushey Council” means the urban district
council of Bushey;
- “the Chorleywood Council” means the urban
district council of Chorleywood;
- “the clerk” means the clerk to the Board;
- “the conservators” means the conservators of the
the river Thames;
- “constituent authority” means the council of the
city borough urban district or rural district
having jurisdiction in any constituent district;
- “constituent district” means severally the city
boroughs urban districts and rural districts
for the time being included in the sewerage
district or as the case may require such part
only thereof as is included in the sewerage
district;

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

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PART I.
—cont.

- “the county council” means the county council of the administrative county of Hertford;
- “county district” has the meaning assigned thereto by the Act of 1936;
- “daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;
- “dry weather flow” in relation to the sewage of any constituent district area or other district means the flow of sewage discharged from such constituent district area or other district on the basis of forty gallons per head of the population thereof in any period of twenty-four hours from midnight to midnight;
- “the general rate fund” and “general rate” mean respectively the several general rate funds and general rates of the constituent authorities;
- “the Hatfield Rural Council” means the rural district council of Hatfield;
- “the Hemel Hempstead Corporation” means the council of the borough of Hemel Hempstead;
- “the Hemel Hempstead Rural Council” means the rural district council of Hemel Hempstead;
- “highway authority” means in the case of a highway repairable by the inhabitants at large the council in whom that highway is vested;
- “the Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “the Minister” means the Minister of Health;
- “population” in relation to any constituent district area or other district means the population thereof as estimated by the Registrar-General in his last estimate for the time being and in relation to a part of a constituent district area or other district means the number of persons residing therein as estimated by the Board;

9 & 10
Geo. 5. c. 57.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
 1 GEO. 6.] Council (Colne Valley Sewerage &c.)
 Act, 1937.

- “ the Potters Bar Council ” means the urban district council of Potters Bar; A.D. 1937.
- “ the Rickmansworth Council ” means the urban district council of Rickmansworth; PART I.
—cont.
- “ the St. Albans Corporation ” means the council of the city of St. Alban;
- “ the St. Albans Rural Council ” means the rural district council of St. Albans;
- “ the sewerage district ” means the district comprising the areas which are mentioned in the First Schedule to this Act and any extension of that district;
- “ sewerage authority ” has the meaning assigned thereto by the Act of 1936;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878; 41 & 42 Vict.
c. 76.
- “ trade effluent ” means any liquid either with or without particles of matter in suspension therein which is wholly or in part produced in the course of any trade or industry carried on at trade premises and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises but does not include domestic sewage or any liquid which may have been used solely in connection with the washing or cleansing of clothes or other articles of personal and domestic use;
- “ trade premises ” means any premises used or intended to be used for carrying on any trade or industry;
- “ the tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ tributary ” shall have the meaning assigned to that expression in section 119 of the Act of 1932;

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

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PART I.
—cont.

“the Watford Corporation” means the council of the borough of Watford;

“the Watford Rural Council” means the rural district council of Watford; and

“year” means a year ending on the thirty-first day of March.

PART II.

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD.

Incorporation of Board.

5.—(1) For the purposes of carrying this Act into execution a Board shall be constituted and appointed as by this Act provided.

(2) The Board shall be a body corporate under the name and style of “the Colne Valley Sewerage Board” with perpetual succession and a common seal and with power to acquire and hold lands without licence in mortmain and with all other powers and privileges of a body corporate.

Constitution of Board.

6.—(1) Subject to the provisions of this Act the Board shall consist of a chairman a vice-chairman and other members. The chairman and vice-chairman shall be appointed by the Board and the other members shall be appointed as follows:—

one by the county council;

four by the St. Albans Corporation;

two by the Hemel Hempstead Corporation;

seven by the Watford Corporation;

two by the Bushey Council;

one by the Chorleywood Council;

two by the Potters Bar Council;

two by the Rickmansworth Council;

two by the Barnet Rural Council;

one by the Hatfield Rural Council;

one by the Hemel Hempstead Rural Council;

two by the St. Albans Rural Council;

three by the Watford Rural Council.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

(2) The chairman or vice-chairman need not be appointed from amongst the members of the Board but shall for all purposes be deemed to be a member of the Board and if a member of the Board is appointed chairman or vice-chairman the appointment shall not create a casual vacancy.

(3) A member of the Board need not be a member of the authority by whom he is appointed :

Provided that not less than one-half of the members of the Board appointed by an appointing authority shall be members of such authority.

(4) No officer clerk or servant of an appointing authority shall be appointed or be a member of the Board.

7. Each appointing authority shall make such appointment of members of the Board as may from time to time be requisite The clerk of the appointing authority by whom an appointment has been made shall by writing under his hand certify the appointment and shall on the first appointment transmit the certificate on or before the thirtieth day of September nineteen hundred and thirty-seven to the clerk of the county council and on every subsequent appointment to the clerk and every such certificate shall be conclusive evidence of such appointment.

8. If the same person shall be appointed a member of the Board by more than one appointing authority he shall within one month after the second appointment elect under which appointment he shall serve and the other appointment shall be deemed void.

9.—(1) The Board may from time to time appoint and remunerate a clerk a surveyor an engineer a chemist a treasurer and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall subject to the terms of any agreement that may be made between the Board and any officer clerk or servant be removable by the Board at their pleasure.

(2) No person who is a member of the Board or of any of the appointing authorities or has been such a member within the twelve months last preceding

A.D. 1937.

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PART II.

—cont.

Appoint-
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members.

Member ap-
pointed by
more than one
authority to
represent one
only.

Appoint-
ment of
officers.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937. shall be an officer of the Board but a person may be and continue an officer of the Board and of an appointing authority.

PART II.
—cont.

(3) The office of clerk and treasurer of the Board shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

Provisions as to members and proceedings of Board.

10. The provisions set out in the Second Schedule to this Act shall have effect with respect to the members and proceedings of the Board and the appointment and proceedings of committees.

Power to alter number of members.

11. On the application of any of the appointing authorities the Minister may at any time after giving notice of the application to the Board and to the other appointing authorities and considering any objections or representations made by them by order alter the number of members to be appointed by the appointing authorities and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration.

Provision in event of alteration of districts.

12. If at any time the boundaries of the districts of any of the constituent authorities are altered or any new district or borough is created within the sewerage district then and in every such case the Minister may by order to be published as he shall direct make such provision as to him seems fit for adapting the provisions of this Act to the alterations so made and to the incidents and consequences thereof and every such order shall notwithstanding anything contained in this Act to the contrary have effect as if the terms thereof were inserted in this Act but the Minister shall not make such an order until he has held a local inquiry on the subject of which notice has been given by advertisement or otherwise as the Minister may direct and an opportunity has been given to the Board and any appointing authority and any other person who appears to the Minister to be affected of stating objections thereto.

As to sewage of Great Berkhamstead and Tring urban

13.—(1) If within two months after the passing of this Act the urban district council of Great Berkhamstead the urban district council of Tring and the rural district council of Berkhamstead or any of them

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

(each of whom is in this section referred to as "the council") shall give to the clerk of the county council notice in writing (in this section referred to as "the construction notice") requiring that the intercepting sewer (Work No. 5) by this Act authorised and any other necessary sewer of the Board should be constructed of sufficient size to convey to the sewage disposal works of the Board (in addition to the sewage for which such sewers would otherwise be required) the sewage of the district of the council (including any area from which the council have agreed to receive sewage) or any part thereof at a rate not greater than the rate of six times the dry weather flow from an ultimate population to be specified in the construction notice the Board shall comply with the requirements of such notice.

(2) The council shall pay to the Board such amount as may be agreed between the council and the Board or failing agreement determined by the Minister to represent the additional cost of complying with such requirements.

(3) If at any time after the completion of the said works the council shall give to the clerk notice requiring the Board to receive within the sewerage district sewage from the district of the council not exceeding the amount specified in the construction notice the Board and the council shall enter into and fulfil an agreement for such purpose on such terms and conditions as may be agreed between the Board and the council or as failing agreement shall be settled by the Minister :

Provided that any sewers necessary to connect with any sewers of the Board shall be constructed at the expense of the council.

14. If within two months after the passing of this Act the urban district council of Chesham in the county of Buckingham (in this section referred to as "the Chesham Council") shall give to the clerk of the county council notice in writing requiring the Board to receive within the sewerage district the sewage of the said urban district (including any area from which the Chesham Council have on or before the first day of January nineteen hundred and thirty-seven agreed to receive sewage) or any part thereof named in the

A.D. 1937.

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PART II.

—cont.

districts
and Berk-
hampstead
rural
district.

As to sewage
of urban
district of
Chesham.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937. —
PART II.
—cont.

said notice at a rate not greater than the rate of six times the dry weather flow the Board and the Chesham Council shall enter into and fulfil an agreement for such purpose for a period of not less than forty years and otherwise on such terms and conditions as may be agreed between the Board and the Chesham Council or as failing agreement shall be settled by the Minister :

Provided that any sewers necessary to connect with any sewers of the Board shall be constructed at the expense of the Chesham Council.

As to sewage of rural district of Amersham.

15. If within two months after the passing of this Act the rural district council of Amersham in the county of Buckingham (in this section referred to as "the Amersham Council") shall give to the clerk of the county council notice in writing requiring the Board to receive within the sewerage district the sewage of the said rural district (including any area from which the Amersham Council have on or before the first day of January nineteen hundred and thirty-seven agreed to receive sewage) or any contributory places or other areas therein named in the said notice at a rate not greater than the rate of six times the dry weather flow the Board and the Amersham Council shall enter into and fulfil an agreement for such purpose for a period of not less than forty years and otherwise on such terms and conditions as may be agreed between the Board and the Amersham Council or as failing agreement shall be settled by the Minister :

Provided that any sewers necessary for conveying such sewage to the sewage disposal works of the Board or as the case may require to connect with any sewers of the Board shall be constructed at the expense of the Amersham Council.

As to sewage of part of urban district of Barnet.

16. If within two months after the passing of this Act the urban district council of Barnet (in this section referred to as "the Barnet Urban Council") shall give to the clerk of the county council notice in writing requiring the Board to receive at the point marked "A" on the plan signed by Philip Elton Longmore on behalf of the county council and Alfred

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

Stanley Mays on behalf of the Barnet Urban Council the sewage of the area coloured pink on the said plan or any part of such area which may be specified in the said notice at a rate not greater than the rate of six times the dry weather flow the Board and the Barnet Urban Council shall enter into and fulfil an agreement for such purpose for a period of not less than forty years and otherwise on such terms and conditions as may be agreed between the Board and the Barnet Urban Council or as failing agreement shall be settled by the Minister :

A.D. 1937.

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PART II.
—cont.

Provided that with the consent of the Potters Bar Council the said agreement may provide for the use of the sewers of the Potters Bar Council for the reception of the sewage of such part of the said area as may be specified in the agreement and the Potters Bar Council may become a party to the agreement for such purpose.

17. If the council of any county district within or without the county of Hertford notify the Board that they desire the inclusion in the sewerage district of the whole or any part of such county district the Board may if they think fit apply to the Minister for a Provisional Order extending the sewerage district in accordance with the terms specified in the application and the Minister may make such Provisional Order accordingly and may thereby make all such amendments of this Act and of any Act or Order relating to such council as may be necessary or expedient in consequence of such extension and may in such Provisional Order make provision as to the precepts to be made by the Board and as to the rate to be levied by the said council for providing the amount payable under such precepts and as to contributions by the said council towards the capital expended or to be expended by the Board.

As to extension of sewerage district.

18. The Potters Bar Council and any other constituent authority without the county of Hertford shall have the powers conferred on the local authority by section 40 (Separate sewers for sewage and surface water) of the Act of 1935.

Extension of powers of Act of 1935.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART III.

WORKS.

Power to
make works.

19. Subject to the provisions of this Act the Board may make and maintain and from time to time alter renew and reconstruct in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described together with all necessary and proper works and conveniences connected therewith (that is to say):—

In the counties of Hertford and Middlesex—

Work No. 1 An effluent sewer commencing in the lands referred to in section 31 (Lands for sewage disposal works) of this Act passing through the urban district of Uxbridge in the county of Middlesex and terminating at or in the river Colne in the urban district of Rickmansworth in the county of Hertford in the enclosure numbered in the urban district of Rickmansworth 713 on the 1/2500 Ordnance map (Hertfordshire sheet XLIII.15 revision of 1934):

In the county of Hertford—

Work No. 2 A pumping station in the said urban district of Rickmansworth in the enclosures numbered 500 501 and 502 on the 1/2500 Ordnance map (Hertfordshire sheets XLIII.11 and 12 revision of 1934):

In the counties of Hertford and Middlesex—

Work No. 2A An outfall sewer commencing at Work No. 2 hereinbefore described passing through the said urban district of Uxbridge and terminating at or in the lands referred to in section 31 (Lands for sewage disposal works) of this Act;

Work No. 3 An intercepting sewer commencing in the urban district of Potters Bar in the county of Middlesex at or in the South Mimms sewage works of the Potters Bar Council passing through the parish of North

Mimms in the rural district of Hatfield the parish of St. Peter Rural in the rural district of St. Albans the parish of Ridge in the rural district of Barnet the parish of St. Stephen in the said rural district of St. Albans the parishes of Aldenham and Watford Rural in the rural district of Watford the borough of Watford the urban district of Bushey and the said urban district of Rickmansworth all in the county of Hertford and terminating at or in Work No. 2 hereinbefore described:

A.D. 1937.

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PART III.

—cont.

In the county of Hertford—

Work No. 3A An intercepting sewer in the said parish of North Mimms commencing at or near the Water End sewage pumping station of the Hatfield rural council and terminating by a junction with Work No. 3 hereinbefore described:

In the county of Middlesex—

Work No. 3B An intercepting sewer in the said urban district of Potters Bar commencing at or in the Furze field sewage works of the Potters Bar Council and terminating by a junction with Work No. 3 hereinbefore described:

In the county of Hertford—

Work No. 3C An intercepting sewer in the said urban district of Rickmansworth commencing at a point on the Harefield Road Rickmansworth 500 feet or thereabouts in a southerly direction from Ley Farm and terminating by a junction with Work No. 3 hereinbefore described;

Work No. 3D An intercepting sewer commencing in the said urban district of Bushey at or near the Bushey Hall Road sewage pumping station of the Bushey Council and terminating in the said borough of Watford by a junction with Work No. 3 hereinbefore described;

Work No. 4 An intercepting sewer commencing in the urban district of Chorleywood at or in the existing sewer of the

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) 1 GEO. 6.]*
Act, 1937.

A.D. 1937.

PART III.
—cont.

Chorleywood Council in the enclosure numbered in the said urban district 123c on the 1/2500 Ordnance map (Hertfordshire sheet XLIII.3 edition of 1914) and terminating in the said urban district of Rickmansworth by a junction with Work No. 3 hereinbefore described;

Work No. 4A An intercepting sewer in the said urban district of Rickmansworth commencing near Common Moor Lock in the enclosure numbered in that district 154 on the 1/2500 Ordnance map (Hertfordshire sheets XLIII.8 and XLIV.5 edition of 1914) and terminating by a junction with Work No. 4 hereinbefore described;

Work No. 5 An intercepting sewer commencing in the borough of Hemel Hempstead at or in the Frogmore End sewage pumping station of the Hemel Hempstead Corporation passing through the parish of King's Langley in the rural district of Hemel Hempstead the parish of Abbots Langley in the said rural district of Watford the said borough of Watford and terminating in the said urban district of Rickmansworth by a junction with Work No. 3 hereinbefore described;

Work No. 5A An intercepting sewer in the said urban district of Rickmansworth commencing near Croxley Mills in the enclosure numbered in that district 157 on the 1/2500 Ordnance map (Hertfordshire sheet XLIV.5 edition of 1914) and terminating by a junction with Work No. 5 hereinbefore described;

Work No. 5B An intercepting sewer in the said urban district of Rickmansworth commencing in the enclosure numbered in the said urban district 126 on the 1/2500 Ordnance map (Hertfordshire sheet XLIV.1 edition of 1914) and terminating by a junction with Work No. 5 hereinbefore described;

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

- Work No. 6 An intercepting sewer commencing in the parish of Redbourn in the said rural district of St. Albans in the enclosure numbered in the said parish 312 on the 1/2500 Ordnance map (Hertfordshire sheet XXVII.14 edition of 1924) passing through the parish of St. Michael Rural in the said rural district of St. Albans the city of St. Alban the said parish of St. Stephen and terminating in the said parish of Aldenham by a junction with Work No. 3 hereinbefore described;
- Work No. 7 An intercepting sewer commencing in the parish of Sandridge Rural in the said rural district of St. Albans at or near the "Rose and Crown" Inn at Sandridge passing through the said parish of St. Peter Rural and terminating in the said parish of Ridge by a junction with Work No. 3 hereinbefore described;
- Work No. 8 An intercepting sewer in the said parish of North Mimms commencing at or in the Welham Green sewage works of the Hatfield Rural Council and terminating by a junction with Work No. 3 hereinbefore described;
- Work No. 9 An intercepting sewer commencing in the parish of Elstree in the said rural district of Barnet at or in the Borehamwood sewage works of the Barnet Rural Council and terminating in the said parish of Aldenham by a junction with Work No. 3 hereinbefore described;
- Work No. 9A An intercepting sewer commencing in the said parish of Elstree at or in the Medburn sewage works of the Barnet Rural Council and terminating in the said parish of Aldenham by a junction with Work No. 9 hereinbefore described;
- Work No. 9B An intercepting sewer in the said parish of Aldenham commencing at or near the Radlett sewage pumping

A.D. 1937.

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PART III.

—cont.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART III.

—cont.

station of the Watford Rural Council and terminating by a junction with Work No. 9 hereinbefore described;

Work No. 10 An intercepting sewer commencing in the said parish of Watford Rural at or in the sewage works of the Bushey Council and terminating in the borough of Watford by a junction with Work No. 3 hereinbefore described;

Work No. 11 An intercepting sewer in the said urban district of Rickmansworth commencing in the enclosure numbered in the parish of Rickmansworth Rural in the rural district of Watford 185 on the 1/2500 Ordnance map (Hertfordshire sheet XLVII.2 edition of 1914) and terminating at or in the lands referred to in section 31 (Lands for sewage disposal works) of this Act;

Work No. 12 An intercepting sewer in the said urban district of Bushey commencing at or in the Letchmore Heath sewage works of the Watford Rural Council and terminating by a junction with Work No. 3 hereinbefore described;

Work No. 12A An intercepting sewer commencing in the said parish of Aldenham at or near St. John the Baptist's Church Aldenham and terminating in the said urban district of Bushey by a junction with Work No. 12 hereinbefore described;

Work No. 13 A pumping station in the said urban district of Rickmansworth in the enclosure numbered in the parish of Rickmansworth Rural in the rural district of Watford 171 on the 1/2500 Ordnance map (Hertfordshire sheet No. XLIII.14 edition of 1914);

Work No. 14 An intercepting sewer in the said urban district of Rickmansworth commencing at or near the junction of Chalfont Lane with the North Orbital Road and terminating at or in Work No. 13 hereinbefore described;

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

Work No. 14A An intercepting sewer in the said urban district of Rickmansworth commencing at or near Maple Cross and terminating at or in Work No. 13 herein-before described.

A.D. 1937.
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PART III.
—cont.

20. In the construction of the works authorised by section 19 (Power to make works) of 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 street or road no such limits are shown the boundaries of such street or 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 five feet upwards and to any extent downwards :

Power to deviate.

Provided that except for the purposes of crossing over a stream no part of the sewers shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

21. Subject to the provisions of this Act the Board may within the limits of deviation shown on the deposited plans make maintain renew enlarge and work all such sewers drains conduits culverts penstocks excavations pumping stations engine houses chambers manholes ventilators flushing stations shafts tanks meters overflows and other works and conveniences connected with the works authorised by section 19 (Power to make works) of this Act as they may deem necessary.

Power to make general works.

22. Subject to the provisions of this Act the Board in connection with and for the purposes of this Act may execute or do any of the following works or things (namely) :—

Power to make subsidiary works.

- (a) execute any works for the protection of any land or buildings near to the authorised works ;
- (b) raise lower alter divert stop up or otherwise interfere with any tramway drain sewer channel watercourse or gas or water main or pipe or electric line wire or apparatus the Board providing a proper substitute before interrupting the traffic on any such tramway or the flow of sewage drainage or water

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

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PART III.
—cont.

in any drain sewer channel or watercourse or of any gas or water in any main or pipe or of electricity or telephonic communication in any line wire or apparatus; and

(c) lay down erect and maintain any electric lines wires or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section :

Provided that the Board shall not raise lower alter divert stop up or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

For protec-
tion of
Postmaster-
General.

23. Any electric lines wires or apparatus made maintained laid down or erected under the provisions of this Act shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

As to
material
excavated in
construction
of works.

24.—(1) Any material excavated by the Board in the construction of the authorised works shall in the case of lands other than those forming part of a highway absolutely vest in and belong to the Board and may be dealt with removed and disposed of by them in such manner as they think fit and in the case of material excavated by the Board from any road vested in or repairable by any highway authority may be applied by the Board so far as may be necessary in or towards the reinstatement of the road :

Provided that the Board shall not unload throw or put or otherwise dispose of any such material as aforesaid into the river Colne or into any other tributary.

(2) The Board shall give to the highway authority notice of any surplus material not used for the purpose aforesaid and if within seven days after receipt of such notice the surveyor of the highway authority notifies the Board that such surplus material is required by the highway authority the Board shall place the same at the disposal of such authority and if so required by such surveyor shall deliver the surplus material at such place as he may reasonably indicate.

25. And whereas in order to avoid in the execution and maintenance of any of the authorised works injury to houses and buildings within one hundred feet of any of such works it may be necessary to underpin or otherwise strengthen the same therefore the Board at their own costs and charges may and if reasonably required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the Board shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the clerk at his office:
- (3) If any owner lessee or occupier of any such house or building or the Board as the case may require shall within seven days after the giving of such notice give a counternotice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to arbitration:
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Board may and shall proceed forthwith so to underpin or strengthen the said house or building:

A.D. 1937.
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PART III.
—cont.
Under-
pinning of
houses near
works.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

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PART III.
—cont.

- (5) The Board shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Board such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against any further injury arising from the execution or use of the authorised works then and in every such case unless such underpinning or strengthening shall have been done in pursuance of the requirements of and in the mode prescribed by the arbitrator the Board shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Board from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Period for completion of works.

26. If the works authorised by section 19 (Power to make works) of this Act and shown on the deposited plans and sections are not completed within a period expiring on the first day of October nineteen hundred and forty-seven then on the expiration of that period

the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to so much of such works as shall then be completed :

A.D. 1937.

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PART III.

—cont.

Provided that the Board may extend enlarge alter reconstruct renew and remove any of such works and construct additional sewers as and when occasion may require.

27.—(1) For the purpose of making maintaining renewing or enlarging any of the authorised works or any works authorised by the enactments mentioned in the Fifth Schedule to this Act the Board may subject to the provisions of this Act open and break up any street in under across or over which any of such works are authorised to be constructed.

Breaking up
of streets.

(2) The provisions of sections 28 and 30 to 34 of the Waterworks Clauses Act 1847 shall apply to the exercise of the powers of this section subject however to such adaptations as may be necessary to make those provisions applicable to the construction and maintenance of sewers and drains and subject to the provisions contained in Part VII of this Act and subject also to the following modifications namely that—

10 & 11 Vict.
c. 17.

(a) any reference in the said provisions to the persons under whose control or management a street or bridge is shall in the case of a highway or bridge repairable by the inhabitants at large or by the inhabitants of the county in which such highway or bridge is situate be construed as a reference to the authority who are the highway authority or as the case may be the bridge authority in respect thereof;

(b) the expenses referred to in section 34 of the said Act of 1847 may be recovered summarily as a civil debt; and

(c) any matter under the said provisions to be determined by two justices shall be determined by arbitration under this Act.

28.—(1) For the purposes of exercising the powers of this Act including the powers conferred by the enactments mentioned in the Fifth Schedule to this

Temporary
stoppage of
streets &c.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937. Act the Board may temporarily stop up or interfere with alter or divert all or any part of any street road footpath way place bridge wharf tramway stream or watercourse as they shall think necessary and may put up or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such street road footpath way place bridge wharf tramway stream or watercourse open for traffic and they may remove and alter any drinking troughs lamp-posts and other erections thereon:

—
PART III.
—cont.

Provided that in exercising the powers of this section the Board shall cause the works to be adequately lighted and guarded and on the completion of such works shall restore and make good any damage done:

Provided also that the Board shall not remove or alter or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(2) The Board shall not exercise the powers conferred by subsection (1) of this section in relation to any street road footpath way place bridge wharf tramway stream or watercourse vested in or repairable by a highway authority or by a bridge authority as the case may be except with the previous consent in writing of that highway authority or bridge authority given under the hand of their clerk or surveyor which consent shall not be unreasonably withheld and may be given subject to any reasonable conditions.

(3) If any question shall arise as to whether the consent of a highway authority or bridge authority under subsection (2) of this section is unreasonably withheld or as to whether any conditions are unreasonable the same shall be referred to and determined by arbitration.

(4) The Board shall provide reasonable access for all persons bona fide going to or returning from any house in any such street road footpath way or place and shall in each case do as little damage as possible and shall make full compensation to all persons

injuriously affected by the exercise of the powers of this section. A.D. 1937.

(5) The powers of this section shall not be exercised so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from a railway station depot garage or other premises of any railway company or of the London Passenger Transport Board.

PART III.
—cont.

(6) The powers of this section shall not be exercised so as to prevent reasonable access for persons on foot and vehicular traffic bona fide going to or from any wharf or depot of the Grand Union Canal Company.

29. Before breaking up or otherwise interfering with any street or road in the metropolitan police district in connection with the execution of any works under the powers of this Act the Board shall (except in case of emergency) give seven days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street or road during the construction of such works.

Notice to
Commis-
sioner of
Police.

PART IV.

LANDS.

30. Subject to the provisions of this Act the Board may enter upon take and hold all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act.

Power to
acquire
lands.

31. In addition to acquiring any other lands which the Board are authorised to acquire by this Act the Board may subject to the provisions of this Act enter upon take and hold the following lands delineated on the deposited plans and described in the deposited book of reference and may use the same for the purpose of receiving storing pumping disinfecting distributing treating or disposing of sewage (including storm and

Lands for
sewage dis-
posal works.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937. other waters) and they may erect make provide lay down and maintain in on and over those lands such works and conveniences as they think requisite for the purposes aforesaid :—

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PART IV.
—cont.

Lands containing seventy-four acres or thereabouts situate in the urban district of Rickmansworth in the county of Hertford abutting on the river Colne and the Grand Union Canal comprising enclosures numbered in the said district 669 670 671 673 to 676 (inclusive) 676A 677 to 680 (inclusive) and 706 and parts of 520 521 522 523 667 668 702 and 705 on the 1/2500 Ordnance map (Hertfordshire sheets XLIII.11 and 15 revision of 1934) and numbered 129 to 143 (inclusive) 148 and 176 on the deposited plans and described in the deposited book of reference.

Correction of errors in deposited plans and book of reference.

32. If there be any omission misstatement 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 land in question may apply to two justices acting for the county in which the land is situate for the correction thereof and if it appear to the justices that the omission misstatement 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 misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of such county and a duplicate thereof shall be deposited with the clerk of the council of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate 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 and execute the works in accordance with such certificate.

33.—(1) The Board in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease or otherwise acquire further lands for the purposes of this Act whether or not the lands may immediately be required for those purposes. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Board may give or take money for equality of exchange.

A.D. 1937.
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PART IV.
—cont.
Purchase of
additional
lands.

(2) The Board may provide dwelling-houses for persons employed by them for the purposes of this Act and provide and furnish offices and other buildings for those purposes.

(3) The Minister may authorise the Board to purchase land compulsorily for the purposes of this Act by means of a Provisional Order made by him and confirmed by Parliament.

34.—(1) The Board may in lieu of acquiring any lands for the purposes of the authorised works acquire such easements and rights in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

Acquisition
of easements
compul-
sorily.

(2) As regards any lands in respect of which the Board have acquired easements or rights only under the provisions of this section the Board shall not be required or entitled to fence off or sever such lands from the adjoining lands but unless otherwise agreed the owners or occupiers for the time being shall subject to such easements have the same rights of using and cultivating such lands at all times after the completion of the works as if this Act had not been passed.

A.D. 1937.

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PART IV.
—cont.
Easements
only in
respect of
common
lands and
public open
spaces.

35.—(1) Notwithstanding anything contained in this Act the Board shall not acquire any part of any common land or public open space for the purposes of any of the authorised works which will be situate entirely beneath the surface but in pursuance of section 34 (Acquisition of easements compulsorily) of this Act they may acquire such easements and rights in such land as they may require for the purposes mentioned in that section.

(2) The surface of any common land or public open space which may be disturbed by reason of any easement or right acquired by the Board under this Act shall as soon as practicable be restored to its former condition.

Power to
enter pro-
perty for
survey and
valuation.

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

Further
powers of
entry.

37. At any time after notice to treat has been served for any land which the Board are by this Act authorised to purchase compulsorily the Board may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

38. All private rights of way over any lands which the Board are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Board be extinguished:

Provided that the Board shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

39. The Board may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property which may be acquired under the powers of this Act or which may be in the neighbourhood of the authorised works with respect to the sale by the Board to such person of any lands or property for such consideration as may be agreed upon between the Board and such person and the Board may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Board for the purposes of this Act.

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

41. The powers of the Board for the compulsory purchase under the foregoing provisions of this Act of the lands shown on the deposited plans or of easements in respect of those lands shall cease on the first day of October nineteen hundred and forty.

42. In determining the amount of compensation of purchase money to be paid by the Board in respect of the acquisition under this Part of this Act of any

A.D. 1937.

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 PART IV.

—cont.

Extinction
 of private
 rights of
 way.

Agreements
 with owners
 of property.

Persons
 under dis-
 ability may
 grant ease-
 ments &c.

Period for
 compulsory
 purchase of
 lands.

Benefits to
 be set off
 against com-
 pensation.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART IV.
—cont.

part of or interest in the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the exercise by the Board of the powers contained in this Act shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensation in cases of recently altered buildings.

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

Access to sewers.

44. The Board may subject to the provisions of section 287 of the Act of 1936 enter upon any lands for the purpose of gaining such access as may be reasonably necessary for enabling any sewer of the Board laid in such land to be repaired altered renewed or removed.

PART V.

PROVISIONS AS TO SEWERS AND SEWAGE DISPOSAL WORKS.

Discharge of effluent into river Colne.

45. Subject to the provisions of this Act the Board may discharge or permit to flow into the river Colne any effluent from the lands referred to in section 31 (Lands for sewage disposal works) of this Act.

Purity of effluent.

46.—(1) All sewage (including storm and other waters) received by the Board on the lands referred to in section 31 (Lands for sewage disposal works) of this Act shall be so treated that the effluent discharged in pursuance of section 45 (Discharge of effluent into river Colne) of this Act when tested according to a

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

method agreed between the Board and the conservators or failing agreement determined by the Minister shall conform to the following standard of purity (that is to say) :—

A.D. 1937.

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PART V.

—cont.

(a) The effluent shall not contain more than three parts of suspended matter per hundred thousand parts and (including its suspended matters) it shall not take up more than two parts of dissolved oxygen per hundred thousand parts in five days at a temperature of sixty-five degrees Fahrenheit;

(b) The effluent shall comply with the incubator test for putrescibility that is to say the effluent when incubated for a period of five days at a temperature of eighty degrees Fahrenheit in a completely filled and closely stoppered bottle (of not less than one hundred and twenty-five millilitres capacity) shall be free from offensive odour and shall not become dark coloured :

Provided that the conservators may from time to time prescribe an improved standard of purity to which the said effluent shall be required to conform and if the Board shall be unwilling to comply with any such requirement of the conservators they may appeal to the Minister whose decision as to any such requirement shall be final and binding :

Provided also that such method of testing may from time to time be varied by agreement between the Board and the conservators or failing agreement by the Minister.

(2) Section 30 of the Act of 1936 which relates to the purification of sewage before being discharged into streams shall not apply to effluent discharged from the lands referred to in section 31 (Lands for sewage disposal works) of this Act and no proceedings shall be instituted except under section 47 (Penalty for pollution) of this Act against the Board with respect to the discharge of effluent from such lands.

(3) The Board shall in the construction of Work No. 1 authorised by this Act provide suitable inspection chambers in suitable positions for the purpose of enabling the officers or servants of the conservators

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937. to take samples of the said effluent and the Board shall at all times afford proper facilities for such purpose. If any question shall arise between the Board and the conservators under this subsection such question shall be determined by arbitration.

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PART V.
—cont.

Penalty for pollution.

47. If the Board in pursuance of section 45 (Discharge of effluent into river Colne) of this Act allow to pass into the river Colne any effluent which does not comply with the standard specified in section 46 (Purity of effluent) of this Act or such improved standard as may from time to time be required in pursuance of the last-mentioned section they shall be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds:

Provided that it shall not be competent for any person other than the conservators their officers solicitors or agents to institute proceedings or prosecutions under this section and all penalties imposed or recovered for offences against the provisions of this section shall be paid to the conservators and be by them carried to the conservancy fund (as the same is defined by section 5 of the Act of 1932) anything in this or any other Act notwithstanding.

Vesting of sewers in Board and prohibition of communications.

48. All sewers made by or transferred to the Board shall vest in and be under the control of the Board and except as provided by this Act no person shall be entitled to cause any drain or sewer to communicate with or empty into any sewer of the Board but the Board may allow any such communication on such terms and conditions as the Board may impose.

As to interference with Board's sewers and works.

49. It shall not be lawful for any person to interfere with any sewer or work of the Board or do any act which shall obstruct or tend to obstruct the free flow or passage of liquid or solid matter therein or which may otherwise prejudicially interfere with or affect the free or efficient working of any such sewer or work:

Provided that nothing in this section shall be deemed to restrict the exercise of any powers with respect to the opening and breaking up of streets and bridges by any highway authority or any local authority company or body carrying on a water gas or electricity undertaking under statutory powers.

50. On and after the appointed day the following provisions shall have effect (namely):—

A.D. 1937.

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 PART V.

—cont.

As to duties
 of Board
 and of con-
 stituent
 authorities
 with regard
 to sewage
 disposal.

- (1) Subject to the provisions of this Act the Board shall be responsible for the provision and operation of sewage disposal works sufficient for the requirements of the sewerage district and the constituent authorities shall cease to be responsible for the treatment and disposal of sewage :
- (2) The respective constituent authorities shall maintain and operate the works referred to in Parts I and II of the Third Schedule to this Act in accordance with the reasonable directions of the Board (which directions they are hereby required to give) and the Board may require that any such works shall be closed down but no such works shall be closed down under this section until the Board at their own expense shall have provided substituted sewers and made all necessary communications therewith for the purpose of conveying to other works of the Board so much of the sewage flowing into the works to be closed down as the Board are by section 53 (Right of constituent authorities to use sewers of Board) of this Act required to receive and dispose of :
- (3) Each constituent authority shall conduct such operations with due regard to efficiency and economy :
- (4) The Board shall repay to each constituent authority the expenditure properly incurred by such authority in maintaining and operating such works in accordance with the reasonable directions of the Board (after taking into account any revenue received in connection with such operations) including the rent of any leasehold land forming the site of or held in connection with such works and a proper proportion of any emoluments of any officer employed by the constituent authority in connection with but who is not exclusively engaged in conducting such operations and maintaining such works :

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART V.
—cont.

- (5) Any constituent authority shall at the request and cost and in accordance with the reasonable directions of the Board provide alter enlarge or reconstruct sewage disposal works for their constituent district and any other area reasonably specified by the Board and the provisions of this Act shall apply to such works as if they were referred to in the Third Schedule of this Act :

Provided that any lands acquired after the appointed day in connection with such works shall be conveyed to the Board :

- (6) Where any constituent authority shall have constructed or provided between the first day of November nineteen hundred and thirty-six and the appointed day any sewage disposal works which are reasonably necessary for the purposes of their district the provisions of this Act shall apply to such works as if they were referred to in the Third Schedule to this Act and any question as to whether the construction of such works was reasonably necessary shall be determined by the Minister :
- (7) Except as provided by this Act no constituent authority shall construct alter enlarge maintain or operate any sewage disposal works within the sewerage district or make a declaration under section 17 of the Act of 1936 or enter into an agreement under section 18 of that Act with respect to any such works :
- (8) The Board shall indemnify the constituent authorities against all notices claims prosecutions or proceedings (including any notices claims prosecutions or proceedings under section 96 (For further protection of conservators) of this Act) arising by reason or in consequence of the operation of any works in accordance with the directions of the Board or in respect of the treatment and disposal of sewage which the Board are by this Act required to receive and dispose of :
- (9) The closing down of any works under the provisions of this section shall not be deemed

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

to prevent the constituent authority owning such works from using the same or such part thereof as may be reasonably necessary for the purpose of carrying out their obligations under paragraph (b) of section 52 (Certain obligations of constituent authorities to continue) of this Act :

A.D. 1937.

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PART V.
—cont.

- (10) Any question arising under this section between the Board and any constituent authority shall be determined by the Minister.

51. Subject to the provisions of this Act the Board shall be responsible for the reasonable provision and for the maintenance and cleansing of sewers for the conveyance of sewage from the sewers of any constituent authority to the sewage disposal works vested in or maintained at the expense of the Board.

As to duties of Board with regard to provision of sewers.

52. Nothing in this Act shall relieve any constituent authority of their obligation or derogate from their powers—

Certain obligations of constituent authorities to continue.

- (a) to provide such public sewers as may be necessary for effectually draining their district;
- (b) to dispose of any sewage in excess of the quantity of which the Board are by section 53 (Right of constituent authorities to use sewers of Board) of this Act required to dispose and to dispose of surface water from sewers provided or appropriated for surface water only and to construct alter enlarge maintain and operate such disposal works and to exercise the powers of sections 17 and 18 of the Act of 1936 as may be necessary for such purposes;
- (c) to cleanse or empty cesspools and to dispose of the contents thereof;
- (d) under the Alkali &c. Works Regulation Act 1906 as amended by any subsequent enactment.

6 Edw. 7.
c. 14.

53. As from the appointed day each constituent authority shall be entitled to have communication from any of the sewers vested in them (other than sewers provided or appropriated for surface water only) into the sewers of the Board or the sewage disposal works vested in or maintained at the expense of the

Right of constituent authorities to use sewers of Board.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937. Board for the purpose of discharging from any part of their district which is within the sewerage district such sewage as the Board are by this Act required to receive and dispose of but subject to the following provisions :—

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PART V.
—cont.

- (1) Where any sewer of a constituent authority existing at the appointed day shall be within a distance of forty feet from any part of the limits of lateral deviation shown on the deposited plans the Board shall at their own expense make such communications between the said sewer and the sewer of the Board as may be agreed between the Board and the constituent authority or failing agreement determined by the Minister to be expedient :
- (2) Except where the Board are required by paragraph (1) of this section to provide communications at their own expense and except where the Board are required by section 50 (As to duties of Board and of constituent authorities with regard to sewage disposal) of this Act to provide at their own expense substituted sewers for the purpose of conveying to other works of the Board any sewage flowing into works to be closed down the communications between the sewers of any of the constituent authorities and those of the Board shall be made by the Board at the expense (unless the Board agree themselves to defray the same or contribute thereto) of such constituent authority and such communication shall when made be wholly under the control of the Board and the Board shall at their own cost be at liberty at any time to alter such communication :
- (3) Any of the constituent authorities proposing to construct any new sewer for the purpose of bringing sewage into any sewer or sewage disposal works vested in or maintained at the expense of the Board by a new communication with such last-mentioned sewer or works shall one month at least before they commence the construction of such new sewer send to the Board plans and sections showing the proposed

places of communication and the proposed level at such places of the intended new sewer and the place of every such communication and the level thereof of every such new sewer shall be such as shall be determined by the Board or in the event of any dispute arising with reference thereto between the Board and the constituent authority shall be determined by arbitration :

- (4) (a) The Board shall be under obligation to receive and dispose of sewage from a constituent district or any part thereof at a rate not greater than the rate of six times the dry weather flow but the Board may (if they think fit) undertake to receive and dispose of sewage at such greater rate upon such reasonable terms and conditions including the making to them of a reasonable payment or reasonable periodical payments as they think fit;

(b) If any constituent authority shall be of opinion that the Board have refused unreasonably to receive and dispose of the sewage of their district at a greater rate than that mentioned in this paragraph or that the terms and conditions of the Board are unreasonable they may appeal to the Minister who upon such appeal may direct the Board to receive and dispose of the sewage of such district at such greater rate and on such terms and conditions as the Minister shall prescribe and the Board shall comply with any such direction;

(c) In calculating the quantity of sewage from a constituent district to be received by the Board under this section an adjustment shall be made in respect of the sewage which is received into the sewers of such constituent district from the sewers of another district and in respect of the sewage from such constituent district which is discharged into the sewers of another district in pursuance of an agreement under section 28 of the Public Health Act 1875 or under section 28 of the

A.D. 1937.

PART V.
—cont.

38 & 39 Vict.
c. 55.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART V.
—cont.

Act of 1936 Any difference between the Board and a constituent authority as to the nature and extent of any such adjustment shall be referred to and determined by the Minister.

As to
discharge
of trade
effluent.

54.—(1) After the appointed day no person shall make or enlarge any communication with any sewer vested in the Board or in a constituent authority for the purpose of discharging any trade effluent or use any existing communication for such purposes where such communication was not so used at some time within the period of one year ended on the first day of November nineteen hundred and thirty-six except with the consent of the Board and also of the constituent authority concerned and subject to and in compliance with the following provisions:—

- (a) Notice in writing of the application of any person to use or to enlarge any existing communication or to make or enlarge any new communication specifying the name and address of the applicant together with particulars of the proposal and a plan shall be given to the constituent authority and to the Board;
- (b) The constituent authority and the Board or either of them may withhold their consent or give their consent subject to such conditions as the authority or the Board as the case may be may impose but such consent shall not be unreasonably withheld nor be given subject to unreasonable conditions;
- (c) Any person aggrieved by the withholding of any consent or the imposition of any condition may appeal to the Minister who may make such order and prescribe such conditions as he may think fit;
- (d) Any conditions imposed by a constituent authority or by the Board or the Minister as aforesaid shall be binding upon and enforceable by the constituent authority and the Board respectively against every person for the time being having any estate or interest in the land or premises to which such conditions relate and shall be registered as a local

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

land charge within the meaning of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 in the local land charges register of the constituent authority;

- (e) If at the expiration of a period of two months after the said notice and plan have been delivered to the constituent authority or the Board as the case may be no decision has been notified to the applicant then except as may be otherwise agreed in writing between the applicant and the constituent authority or the Board as the case may be the consent of the constituent authority or the Board as the case may be shall be deemed to have been given without the imposition of any conditions;

- (f) In its application to any constituent authority section 26 of the Act of 1936 shall be subject to the provisions of this section :

Provided that no constituent authority shall by reason of anything contained in this section be under any greater obligation to afford facilities for trade effluents than they would have been under if this Act had not been passed :

Provided further that nothing in this section shall be deemed to prevent the use of any communication made between the first day of November nineteen hundred and thirty-six and the first day of November nineteen hundred and thirty-seven with the consent of the constituent authority.

(2) If so requested by the Board any constituent authority shall at the cost of the Board appoint not more than two officers or servants of the Board to such office of the constituent authority as will entitle them to take samples of trade effluents discharged into the sewers of the constituent authority and to report thereon to the constituent authority.

(3) The provisions of this section shall cease to have effect upon the coming into operation of any general Act passed in the present session of Parliament to amend the law with respect to the discharge of trade effluent into sewers.

A.D. 1937.

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PART V.

—cont.

15 & 16

Geo. 5. c. 22.

16 & 17

Geo. 5. c. 11.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART V.
—*cont.*

As to application of section 27 of Act of 1936.

As to agreements under section 18 of Act of 1936.

55. Section 27 of the Act of 1936 which prohibits the passing of certain matters into public sewers shall be deemed to apply to the sewers vested in the Board as if such sewers were public sewers within the meaning of the said section.

56.—(1) Before any agreement is entered into between a constituent authority and any person under section 18 of the Act of 1936 with respect to the construction of a sewer which is likely at a future date to be connected to a sewer vested in or maintained at the expense of the Board the constituent authority shall give notice to the Board and effect shall be given in the agreement to any reasonable requirements of the Board.

(2) The Board shall pay to the constituent authority or to the person constructing or proposing to construct the sewer as the case may require such amount as may be agreed or failing agreement determined by arbitration to represent the additional cost of complying with such requirements regard being had to any liability of the constituent authority for the expense of making communications between sewers of the constituent authority and those of the Board.

As to exercise of powers of section 19 of Act of 1936.

57.—(1) In any case in which it shall come to the knowledge of a constituent authority that a person proposes to construct a drain or sewer which is or is likely to be needed to form part of a general sewerage system provided or proposed to be provided by the constituent authority or by the Board the constituent authority shall give notice to the Board and shall make such requirements under section 19 of the Act of 1936 with respect to the construction of such drain or sewer as the Board may request and it shall be the duty of such person to comply with such requirements.

(2) The Board shall pay to the constituent authority such amount as may be agreed or failing agreement determined by arbitration to represent the additional cost of complying with such requirements and the expenses of repair and maintenance attributable thereto regard being had to any liability of the constituent authority for the expense of making

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

communications between sewers of the constituent authority and those of the Board. A.D. 1937.

(3) Nothing in this section shall derogate from the powers of the Minister under the said section 19.

PART V.
—cont.

58. Where plans of a building or of an extension of a building are in accordance with building byelaws deposited with any constituent authority and it is proposed to erect the building or extension as the case may be over any sewer vested in the Board which is shown on the map of sewers required by this Act to be supplied by the Board to each constituent authority the constituent authority shall forthwith notify the Board and section 25 of the Act of 1936 shall apply to the sewers vested in the Board as if they were sewers shown on the map of sewers required by Part II of the Act of 1936 to be kept deposited at the offices of the authority and the constituent authority in making their decision under the said section shall give effect to any representations made by the Board:

Application of section 25 of Act of 1936 to sewers of Board.

Provided that the amount of any compensation payable to any person by reason of the exercise by any constituent authority of the powers of section 25 of the Act of 1936 in relation to any sewer vested in the Board shall be repaid to such constituent authority by the Board.

59.—(1) The provisions of the under-mentioned sections of this Act (namely):—

As to sewage disposal works at certain institutions.

Section 50 (As to duties of Board and of constituent authorities with regard to sewage disposal);

Section 53 (Right of constituent authorities to use sewers of Board);

Section 60 (As to default of Board in providing facilities for sewage disposal);

Section 65 (Agreements between Board and sewerage authorities);

Section 77 (Payment of loan charges of constituent authorities by Board);

Section 78 (As to discontinuance of certain payments after works closed down);

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & I GEO. 6.]
Act, 1937.

A.D. 1937.

PART V.
—cont.

Section 81 (Inspection of accounts of constituent authorities);

Section 121 (Saving Board from pending actions); and so much of section 52 (Certain obligations of constituent authorities to continue) as relates to paragraphs (b) and (c) thereof shall apply to the sewage disposal works connected with the under-mentioned institutions and the owners thereof (namely):—

(a) The Hill End mental hospital and Cell Barnes mental deficiency colony of the county council;

(b) The Napsbury and Shenley mental hospitals and the Shenley mental deficiency colony of the county council of the administrative county of Middlesex;

(c) The Leavesden mental hospital of the county council of the administrative county of London;

as if each of the said works had been referred to in the Third Schedule to this Act and as if each of the owners of such works were a constituent authority for the purposes of those sections only and as if each of the said institutions were the district of a constituent authority for such purposes:

Provided that the Board shall not require any such owners except with their consent to maintain and operate the said works otherwise than for the purposes of the said institutions.

(2) The provisions of subsection (1) of this section shall not relieve the county council from any liability to receive or to continue after the appointed day to receive sewage at the Hill End mental hospital and Cell Barnes mental deficiency colony under any agreement subsisting at that date between the county council and the St. Albans Corporation or the county council and the St. Albans Rural Council until the sewage disposal works connected with the said institutions shall be closed down and as from the appointed day any such agreement shall be so revised as to provide that the Board shall be a party thereto and that the Board shall become responsible for the payment of interest and repayment of capital in respect of any sums reasonably expended in the enlargement or extension of the said works for the purposes of such

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

agreement but no further payment for the reception and treatment of sewage (other than that made in pursuance of section 50 (As to duties of Board and of constituent authorities with regard to sewage disposal) of this Act as applied by this section) shall be made under any such agreement.

A.D. 1937.

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PART V.
—cont.

(3) The provisions of subsection (1) of this section shall not relieve the county council of the administrative county of Middlesex from any liability to receive or to continue after the appointed day to receive sewage at the Shenley mental hospital under any agreement subsisting at that date between the said county council and the St. Albans Rural Council until the sewage disposal works connected with the said hospital shall be closed down and as from the appointed day any such agreement shall be so revised as to provide that the Board shall be a party thereto and that the Board shall become responsible for the payment of interest and repayment of capital in respect of any sums reasonably expended in the enlargement or extension of the said works for the purposes of such agreement but no further payment for the reception and treatment of sewage (other than that made in pursuance of section 50 (As to duties of Board and of constituent authorities with regard to sewage disposal) of this Act as applied by this section) shall be made under any such agreement :

Provided that nothing in this subsection shall affect any liability of the St. Albans Rural Council to the said county council for which the Board do not become responsible under this subsection.

(4) In this section the reference to any county council shall be deemed to include a reference to any visiting committee appointed by such county council under the Lunacy and Mental Treatment Acts 1890 to 1930 and the reference to any institution shall be deemed to include any lands within the sewerage district acquired for the purposes of such institution.

60. If any constituent authority are aggrieved by the failure of the Board to carry out the authorised works or any of them or are dissatisfied with the facilities for sewage disposal provided or afforded by or at the expense of the Board for their constituent

As to
default of
Board in
providing
facilities
for sewage
disposal.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

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PART V.
—cont.

district or any part thereof they may complain to the Minister and the Minister may cause a local inquiry to be made into the matter. If after such inquiry the Minister so decides he may make an order directing the Board to provide such works or otherwise to discharge such of their functions and in such manner and within such time or times as may be specified in the order and if the Board fail to comply with such order the Minister in lieu of enforcing the order by mandamus or otherwise may authorise the constituent authority to exercise the powers (but subject to the obligations) of this Act for the purpose of providing such works or otherwise for removing the default and to recover from the Board the reasonable cost of the construction maintenance and operation of such works and any other expenses arising under such order.

61. If any constituent authority fail—

- (a) to exercise to a reasonable extent their powers under section 40 (Separate sewers for sewage and surface water) of the Act of 1935 or as the case may require under section 56 (Separate sewers for surface water and sewage may be required) of the Watford Urban District Council Act 1909; or
- (b) to exercise their powers of instituting proceedings under section 27 of the Act of 1936;

the Minister may exercise his powers under section 322 of the Act of 1936 as if there had been a failure on the part of the constituent authority in question to discharge their functions under that Act and as if the Board were substituted in the said section for the council of the county and the provisions of section 323 of the Act of 1936 shall apply accordingly.

62.—(1) (a) Where the sewers of any constituent authority (including any new sewers referred to in subsection (2) of this section) communicate with the sewers of the Board and it would be advantageous to an adjoining constituent authority to use the sewers of such first-mentioned constituent authority for the

As to failure to exercise certain powers of constituent authorities.

9 Edw. 7.
c. lxxxviii.

As to common user of sewers by adjoining authorities.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

purpose of obtaining access for their sewage to the sewers of the Board such first-mentioned constituent authority shall at the reasonable request of the Board provide facilities for the use of their sewers for such purpose for such period and on such terms as may be agreed between the said constituent authorities and the Board regard being had to the transfer from the constituent authorities to the Board of the obligation of disposing of sewage as provided by this Act Any question whether any such request is reasonable and any difference arising as to the period or terms aforesaid shall be determined by the Minister.

A.D. 1937.

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PART V.
—cont.

(b) If any constituent authority fail to comply with any agreement or determination made under the provisions of this subsection the Minister may make an order declaring such authority to be in default and directing them to remedy the default in such manner and within such time or times as may be specified in the order.

(2) Where the sewers of any constituent authority communicate or are intended to communicate with the sewers of the Board and such constituent authority intend to make a new sewer and it would be advantageous to an adjoining constituent authority to use such new sewer for the purpose of obtaining access for their sewage to the sewers of the Board such first-mentioned constituent authority shall give to the Board notice of their intention to make such sewer and shall comply with any reasonable requirements of the Board with regard thereto and any question as to whether any such requirement ought to be made and if so whether the same is reasonable shall be determined by the Minister :

Provided that the Board shall pay to such first-mentioned constituent authority such amount as may be agreed or determined by arbitration to represent the additional cost of complying with such requirements.

63. Nothing in this Act shall affect the rights of the county council or of the county councils of the administrative counties of Buckingham or Middlesex under section 29 of the Local Government Act 1929 in connection with the drainage of a county road.

Saving for
county
councils.
19 & 20
Geo. 5. c. 17.

[Ch. lxxxix.] Hertfordshire County [1 EDW. 8. &
Council (Colne Valley Sewerage &c.) 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART V.

—cont.

As to
powers of
entry and
inspection.

64.—(1) The provisions of section 287 of the Act of 1936 shall apply for the purposes of this Act as if the Board were a council within the meaning of that section not only in the cases therein mentioned but also where the Board desire to exercise the powers thereof for the purpose of gaining access to any sewers under the control of the Board or discovering or ascertaining any communication with or opening into any of those sewers or the flowing or passing of any matter into those sewers or into any sewer drain channel or watercourse communicating therewith.

(2) The Board shall have after reasonable notice to any constituent authority the right to inspect any sewer of that authority which communicates directly or indirectly with any sewer of the Board and for the purposes of such inspection the Board shall have all the powers of the constituent authority in relation thereto.

Agreements
between Board
and sewerage
authorities.

65. The Board and any sewerage authority may enter into and fulfil agreements relative to the construction and maintenance of sewers.

Agreements
for transfer
of sewers &c.
to Board.

66.—(1) The Board and any sewerage authority or other person may enter into and carry into effect agreements and arrangements with reference to the transfer to and vesting in the Board of any sewer or other work of such sewerage authority or person within the sewerage district or any rights powers or interests of or exercised or exerciseable by such sewerage authority or person in respect of any such sewer or other work :

Provided that any sewerage authority or other person having a right to make a connection with any such sewer shall until a sufficient substituted sewer shall have been provided at the cost of the Board continue to have the same right after the transfer to and vesting of such sewer in the Board.

(2) In any case where under the provisions of this section any sewer or other work is vested in the Board the Board may disconnect therefrom any sewer or drain connected therewith :

Provided that no sewer or drain shall be so disconnected until such sewer or drain shall have been connected by the Board to a sufficient substituted sewer.

67.—(1) In cases in which prior to the passing of this Act an agreement has been made under section 28 of the Public Health Act 1875 between two or more constituent authorities or between a constituent authority and any other local authority for the communication of the sewers of one of such authorities (in this section referred to as “the discharging authority”) with the sewers of another such authority (in this section referred to as “the receiving authority”) under which payments are required to be made to the receiving authority the terms and conditions of any such agreement and the payments to be made by the discharging authority thereunder shall as from the appointed day be revised to such extent as may be reasonably necessary (including the making of the Board a party thereto and provision for a payment or periodical payments to be made to or by the Board) having regard to the transfer from any constituent authority to the Board of the obligation of disposing of sewage or to the vesting of any sewers in the Board as provided by this Act.

(2) If any difference arises between the discharging authority and the receiving authority or between any such authority and the Board as to the nature and extent of any such adjustment the same shall be referred to and determined by the Minister.

(3) In addition to and without prejudice to the generality of the foregoing provisions of this section—

(a) if before the passing of this Act the Chorleywood Council and the rural district council of Amersham shall have entered into an agreement for the purposes of causing any sewers of the rural district council of Amersham to communicate with any sewers of the Chorleywood Council or otherwise for the reception of sewage the terms and conditions of such agreement and the payments to be made thereunder shall if required by the Board be revised to such extent as may be agreed between the parties thereto and the Board or as failing agreement shall be determined by the Minister regard being had to any payments made or to be made under section 15 (As to sewage of rural district of Amersham) of this Act;

A.D. 1937.

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PART V.

—cont.

Varying
existing
agreements.

[Ch. lxxxix.] Hertfordshire County [1 EDW. 8. &
Council (Colne Valley Sewerage &c.) 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART V.
—cont.

(b) if before the passing of this Act the Rickmansworth Council and the rural district council of Amersham shall have entered into an agreement for the purposes of constructing any sewers or other works or of causing any sewers of the rural district council of Amersham to communicate with any sewers of the Rickmansworth Council or otherwise for the reception of sewage the terms and conditions of such agreement and the payments to be made thereunder shall if required by the Board be revised to such extent as may be agreed between the parties thereto and the Board or as failing agreement shall be determined by the Minister, regard being ~~had to any payments made or to be made~~ under section 15 (As to sewage of rural district of Amersham) and under paragraph (3) of section 93 (For protection of Rickmansworth Council) of this Act.

Restrictions
on reception
of sewage
from outside
sewerage
district.

68. Notwithstanding anything contained in the Public Health Act 1875 or the Act of 1936 a constituent authority shall not after the passing of this Act agree with the sewerage authority for any district or area outside the sewerage district for the reception of sewage nor permit any drain sewer surface water drain or pipe conveying or capable of conveying sewage surface water subsoil water or other matter from any land not situate within the sewerage district either directly or indirectly to be connected or to communicate with any sewer or drain belonging to them so as to drain into any sewer or work vested in or maintained at the expense of the Board unless with the approval in writing of the Board and subject to such conditions (including the making of a payment or periodical payments to the Board and the making of the Board a party to any such agreement) as the Board may impose and all rights of the owner or occupier of any premises outside the sewerage district and the owner of any private sewer outside the sewerage district under section 35 of the Act of 1936 with regard to the sewers of any constituent authority shall be subject to the approval of the Board and to such conditions (including the making of a payment or periodical payments to the Board) as the Board may impose.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

69.—(1) In any case in which prior to the passing of this Act an agreement has been made between a constituent authority and any other body or person under which payments are required to be made to the constituent authority for the reception and disposal of trade effluent or in consideration of the construction or operation of sewage disposal works the constituent authority shall account for and pay to the Board the whole or an equitable proportion of such payments.

A.D. 1937.

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PART V.

—cont.

As to payments under existing agreements.

(2) Any difference arising between the constituent authority and the Board under this section shall be referred to and determined by the Minister.

70.—(1) The Board shall cause a map to be made of the sewerage district and shall cause to be marked thereon the sewers and sewage disposal works for the time being vested in or maintained at the expense of the Board. Every such map shall be kept by the Board at their principal office and shall at all reasonable times be open to the inspection of all applicants and those applicants may take copies of it or any part thereof.

Map of sewerage district to be made.

(2) The Board shall supply to each constituent authority a copy of so much of the said map as relates to the constituent district of such authority and shall once in every year cause such copy to be duly corrected so as to show the then existing sewers and sewage disposal works.

71.—(1) Any constituent authority or other person contravening any of the foregoing provisions of this Part of this Act in respect of which a special penalty is not provided shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds.

Penalties under Part V.

(2) In addition to the provisions of subsection (1) of this section the Board if they think fit may at any time whether before or after conviction under that subsection cut off or close any connection or communication with any sewer or work vested in them or maintained at their expense and may recover summarily as a civil debt from the offender the costs and expenses of so doing:

Provided that the Board shall not cut off or close any connection or communication until they shall have given to the constituent authority or other person as aforesaid fourteen days' notice in writing of their

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937. intention so to do and the constituent authority or other person may appeal within seven days after such notice to a court of summary jurisdiction who may make such order as they think proper.

PART V.
—cont.

(3) The provisions of this section shall be in addition to and not in substitution for and shall not prejudice any other remedy or mode of proceeding which may otherwise be available to the Board.

PART VI.

FINANCIAL PROVISIONS.

Power to Board to borrow.

72.—(1) The Board shall have power from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such periods as the Board may determine not exceeding those respectively mentioned in the third column of the said table (namely) :—

1.	2.	3.
Purpose.	Amount.	Period for repayment.
	£	
(a) The purchase of lands and easements.	20,000	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act other than pumping plant.	678,000	Forty years from the date or dates of borrowing.
(c) The purchase of sewers -	27,000	Forty years from the date or dates of borrowing.
(d) The construction of sewage disposal works other than machinery.	342,000	Thirty years from the date or dates of borrowing.
(e) The purchase of sewage disposal works.	14,000	Thirty years from the date or dates of borrowing.
(f) Pumping plant and machinery.	132,000	Twenty-five years from the date or dates of borrowing.
(g) Working capital - -	5,000	Ten years from the date or dates of borrowing.
(h) The repayment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937. under this section as if it were borrowed under Part IX of that Act.

PART VI.

—cont.

(5) Such constituent authority shall repay any money so borrowed within such period as the Board may determine as being the period within which the same would have been repaid by the Board if it had been borrowed by the Board.

(6) Until the repayment of such money to the constituent authority the Board shall pay to the constituent authority interest (after deduction of income tax) on the amount outstanding from time to time at the rate agreed or determined by the Minister as aforesaid and shall also pay to the constituent authority from time to time such sum as may be agreed between the Board and the constituent authority or (failing agreement) determined by the Minister to be requisite for the purpose of providing by sinking fund or otherwise for the repayment of money so borrowed within the period by which the same is required to be repaid by the constituent authority.

75. For the purposes of section 116 (Power to

Loans by total sum as the rateable value of the constituent district of such authority appearing in the valuation list as at the preceding first day of October (being in the case of an urban district for general expenses and in the case of a rural district for special expenses) bears to the aggregate of the rateable values within the sewerage district.

(3) Such constituent authority shall thereupon without the consent of any sanctioning authority and after consultation with the Board raise the whole or the specified part (as the case may be) of such proportion as aforesaid and shall forthwith lend the same to the Board at the rate of interest at which the Board could themselves have borrowed the sum such rate of interest to be agreed between the Board and the constituent authority or failing such agreement to be determined by the Minister.

(4) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

(2) For the purposes of the application of the provisions of Part IX of the Act of 1933 the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

A.D. 1937.
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PART VI.
—cont.

73. For the purpose of the definition of statutory securities in section 218 of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

As to securities of Board.

74.—(1) Before the Board borrow any sums under the powers of this Act they shall give to each constituent authority not less than one month's notice of their intention so to do:

As to borrowing by constituent authorities.

Provided that the Board shall not be required to give notice as aforesaid to any constituent authority if and so long as such constituent authority shall not desire to receive notices under this section.

(2) Any constituent authority may before the expiration of the said notice intimate to the Board their intention to borrow and lend to the Board the whole or any specified part of such proportion of the

county council.

lend money to local authorities) of the Act of 1933 the Board shall be deemed to be a local authority who may borrow money from the county council and to whom the county council may lend money.

Contributions by constituent authorities.

76.—(1) The expenses incurred by the Board in pursuance of this Act in so far as they are not otherwise met shall be defrayed out of a common fund to be formed from contributions made by the constituent authorities under precept as hereinafter mentioned and from other revenue received by the Board.

(2) (a) Not less than six weeks before the commencement of any year or half-year as they may determine the Board shall—

(i) make or cause to be made an estimate of the expenses to be defrayed out of the common fund in respect of interest on loans (after deduction of income tax) and the repayment of loans and also in respect of any payments

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

to be made by the Board under the provisions of section 74 (As to borrowing by constituent authorities) and section 77 (Payment of loan charges of constituent authorities by Board) of this Act (all of which expenses are in this section referred to as "capital charges");

A.D. 1937.

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PART VI.
—cont.

- (ii) apportion the amount of such estimate amongst the constituent authorities in the proportion which the rateable value appearing in the valuation list as at the first day of October in the preceding year of each constituent district (being in the case of the urban districts for general expenses and in the case of the rural districts for special expenses) bears to the aggregate of those rateable values;
- (iii) issue precepts to the constituent authorities for the sums so apportioned to them respectively.

(b) ~~The constituent authorities shall pay to the~~ Board the sums so apportioned to them respectively by such instalments and on such dates as may be specified in the precepts.

(c) As soon as reasonably practicable after the termination of every year or half-year (as the case may be) the Board shall ascertain the actual amount of the expenses which have been defrayed out of the common fund in respect of capital charges and shall apportion such actual amount amongst the constituent authorities in the proportion referred to in paragraph (a) (ii) of this subsection. The Board shall thereupon deliver to each constituent authority a demand for the sum so apportioned to such constituent authority and such demand shall distinguish the parts of such sum which are attributable to interest (after deduction of income tax if any) and the repayment of loans respectively.

(d) The difference between the respective sums so demanded and the sums respectively paid under precept as aforesaid shall be paid to or by the Board by or to such constituent authorities respectively (as the case may be) within a period of six weeks after the delivery of the demand.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

—
PART VI.
—cont.

(3) (a) Not less than six weeks before the commencement of any year or half-year as they may determine the Board shall also—

- (i) make or cause to be made an estimate of the expenses to be defrayed out of the common fund other than for capital charges and an estimate of the revenue to be received by the Board otherwise than under precept;
- (ii) apportion the balance of such estimates in the proportion referred to in paragraph (a) (ii) of subsection (2) of this section;
- (iii) issue precepts to the constituent authorities for the sums so apportioned to them respectively.

(b) The constituent authorities shall pay to the Board the sums so apportioned to them respectively by such instalments and on such dates as may be specified in the precepts.

(c) If the estimate made or caused to be made by the Board under this subsection shall prove to be excessive or deficient the balance shall be carried forward to the next year or half-year (as the case may be) subject to the retention of such reasonable sum as may be required by the Board for working capital.

(4) All amounts which the constituent authorities are liable to pay under this section shall be raised and paid by the constituent authorities (other than the constituent authorities being rural district councils) out of their respective general rate funds and by the constituent authorities being rural district councils as special expenses within the meaning of section 190 of the Act of 1933 chargeable on such contributory places in their rural districts as are within the sewerage district (but without prejudice to the powers of such councils under subsection (4) of the said section 190) and the funds of the constituent authorities are hereby charged with the payment of the same accordingly and the constituent authorities are hereby authorised and required to make and levy any rate that may be necessary for providing the amounts payable as aforesaid.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

(5) If any constituent authority fails to pay any amount for which they are liable under this section within the due time the same shall be a debt due to the Board from such constituent authority and shall bear interest from the due date of payment till payment at the rate of five pounds per centum per annum and the Board may in addition to all other remedies sue the defaulting authority for the amount unpaid in any court of competent jurisdiction.

A.D. 1937.

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PART VI.

—cont.

(6) Any receiver appointed under section 211 of the Act of 1933 as applied to this Act shall be entitled to receive the revenues of the Board and in case the Board at any time neglect or refuse to make any apportionment precept or demand or to recover any amounts due to the Board the receiver shall in every such case be entitled to make such apportionment precept or demand and to exercise all or any of the powers by this section conferred on the Board for recovering such amounts.

77.—(1) As from the appointed day the Board shall in each year except as provided by section 78 (As to discontinuance of certain payments after works closed down) of this Act pay to each respective constituent authority an amount equal to the charge (if any) for interest and repayment of capital and management of loans payable by that authority during that year (after deducting any moneys provided by Parliament as a contribution to such charge) and applicable to the works of that authority referred to in Parts I and II of the Third Schedule to this Act including the land forming the site of or held in connection with such works.

Payment of
loan charges
of consti-
tuent autho-
rities by
Board.

(2) If any question shall arise as to any sums payable by the constituent authorities for the purposes of this section the same shall failing agreement be settled by the Minister.

78.—(1) If the Board shall at any time pursuant to the provisions of section 50 (As to duties of Board and of constituent authorities with regard to sewage disposal) of this Act require that any works referred to in Parts I or II of the Third Schedule to this Act shall be closed down the Board shall discontinue from the expiration of a period of six months after the

As to dis-
continuance
of certain
payments
after works
closed down.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937. date specified in such requirement the payment to the constituent authority owning such works of the amount equal to the charge (if any) for interest and repayment of capital and management of loans in respect of money borrowed for the purchase of the land forming the site of or held in connection with such works and any question arising as to the amount of such charge shall failing agreement be determined by the Minister.

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PART VI.
—cont.

(2) The Board may also if they think fit within such period remove such works after they shall have been closed down and use or sell the same (in so far as they do not consist of land) and at the expiration of such period the constituent authority may utilise dispose of or otherwise deal with any land vested in them and any such works not so removed and used or sold freed and discharged from all claims of the Board but subject to the rights of any third party therein :

Provided that the Board shall not remove use or sell such works or part thereof as may be reasonably required by the constituent authority owning the same for the purpose of carrying out their obligations under paragraph (b) of section 52 (Certain obligations of constituent authorities to continue) of this Act.

(3) Except as expressly provided by this section the Board shall not thereby be authorised to discontinue any payments required to be made under section 77 (Payment of loan charges of constituent authorities by Board) of this Act.

Contributions with respect to cesspools.

79.—(1) The Board may contribute to any constituent authority as the Board may from time to time determine the whole or a part of the costs incurred by such constituent authority in emptying or cleansing cesspools and in disposing of the contents thereof.

(2) Before the Board make any contribution to any constituent authority under this section they shall notify the other constituent authorities.

(3) Any constituent authority desiring such contribution and being aggrieved by any determination made by the Board under this section or any refusal of the Board to contribute and any other

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

constituent authority being of the opinion that the proposed contribution should not be made or is excessive may appeal to the Minister and the Board shall pay to such first-mentioned constituent authority such sums (if any) as the Minister may direct.

A.D. 1937.

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PART VI.
—cont.

80.—(1) The Board shall be deemed to be a local authority within the meaning of section 39 (Betterment in respect of construction of sewers) of the Act of 1935 as amended by section 109 (Amendment of section 39 of Act of 1935) of this Act and the provisions of that section as so amended shall extend and apply accordingly:

As to betterment in respect of construction of sewers by Board.

Provided that any amount which the Board may recover thereunder shall be reduced by the amount (if any) previously set off against compensation or purchase money under section 42 (Benefits to be set off against compensation) of this Act and under subsection (4) of section 278 of the Act of 1936 or either of them.

(2) The Board shall in exercising the powers of the said sections supply particulars of any claim to the constituent authority of the constituent district in which such claim arises and the same shall be registered by the proper officer as a local land charge on behalf of the Board as if it had been made by the local authority.

81.—(1) For the purpose of ascertaining the amount of any payment due from the Board to any constituent authority under the provisions of this Act the Board may at all reasonable times inspect and take extracts from and make copies of any books records accounts and other papers and documents of that constituent authority.

Inspection of accounts of constituent authorities.

(2) Every constituent authority shall from time to time if and when so required by the Board furnish to the Board a true and correct statement of the totals of the rateable values of all hereditaments within their constituent district.

82.—(1) The Board may if they think fit—

Gratuities to employees and their dependants.

(a) grant to any employee who is not entitled to a superannuation allowance under any enactment on his retiring from service such gratuity as the Board may determine not

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VI.

—cont.

exceeding a sum equal to two years' salary or wages of such person at the time of his retirement;

- (b) on the death of any employee while in the Board's service or within six months after his retirement therefrom grant to his widow or children or to any dependant of such person such gratuity as the Board may determine not exceeding a sum equal to two years' salary or wages of such employee at the time of his death or retirement as aforesaid :

Provided that a resolution to make a grant under this section shall not be passed more than six months after the employee's retirement from the service of the Board or death as the case may be.

(2) If the salary or wages of any such person is reduced on account of his absence from employment through sickness or ill-health at any time during the period of one year before his retirement or six months before his death his salary or wages at the time of his retirement or (as the case may be) at the time of his death shall for the purposes of this section be deemed to be his salary or wages immediately before such reduction or (if there be more than one) immediately before the first such reduction.

PART VII.

PROTECTIVE PROVISIONS.

For protection of highway and bridge authorities.

83. For the protection of the highway authority and the bridge authority the following provisions unless otherwise agreed in writing between the highway authority or the bridge authority as the case may require and the Board shall have effect with respect to the exercise in or affecting any highway or bridge of any of the powers of this Act including the enactments mentioned in the Fifth Schedule to this Act (that is to say) :—

(1) In this section—

“ bridge ” includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches;

“ apparatus ” includes any sewer or other work of the Board ;

“ along ” includes in on under across at the side of and attached to ;

“ surveyor ” means the surveyor or engineer to the highway authority or the bridge authority as the case may require :

- (2) All apparatus of the Board to be laid along any highway or bridge shall be laid in such position in or at the side thereof and at such depth as the surveyor may reasonably direct and the Board shall during the execution of the work erect such traffic signs and signals as the surveyor may reasonably require :
- (3) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as applied by section 27 (~~Breaking up of streets~~) of this Act shall be not less than in the case of a ~~bridge twenty-eight~~ clear days and in other cases fourteen clear days :
- (4) The Board shall not except with the consent of the bridge authority (a) carry any apparatus along any bridge which in the opinion of the surveyor is unsuitable for the purpose or (b) interfere with the structure of any bridge but such consent shall not be unreasonably withheld and may be given upon such conditions as the bridge authority may reasonably determine :
- (5) Nothing in this Act shall interfere with the right of the highway authority to alter the level of deviate widen reconstruct or improve (each of which works is in this section referred to as a “ highway alteration ”) any highway along which any apparatus shall have been laid and the Board shall with all reasonable dispatch on receiving notice so to do alter the position of any such apparatus in the manner and to the extent prescribed by such notice or as in case of difference shall be determined by arbitration and the highway authority shall repay to the

A.D. 1937.

PART VII.
—cont.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.
—cont.

Board the expense reasonably incurred by the Board in effecting any such alteration of the position of any such apparatus :

- (6) Nothing in this Act shall interfere with the right of the bridge authority at any time to remove alter rebuild widen or repair (each of which works is in this section referred to as a "bridge alteration") any bridge along or near to which any apparatus of the Board is carried in the same manner as they might have carried out a bridge alteration if this Act had not been passed and such apparatus had not been laid along or near to such bridge and the bridge authority shall not make any compensation to the Board for any expense or loss to which the Board may be put by reason or in consequence of any such bridge alteration and in the event of any such bridge alteration being carried out the Board shall at their own cost in all things alter the position of any apparatus to the reasonable satisfaction of the bridge authority and any additional expense in relation to the bridge alteration to which the bridge authority may be put by reason of the necessity for providing for any apparatus of the Board shall be paid by the Board to the bridge authority Provided that the bridge authority shall (except in case of emergency) give notice to the Board of any such alteration and during the bridge alteration shall so far as they are able to do so afford all reasonable facilities to enable the Board temporarily to carry such apparatus across any stream or brook so as not to interrupt the continuous flow of sewage through such apparatus :
- (7) When any highway alteration or bridge alteration shall have been completed the Board shall have the same rights and powers with respect to the highway or bridge as they had with respect thereto before such alteration was carried out :

- (8) Subject to the provisions of section 28 (Temporary stoppage of streets &c.) of this Act all works of the Board shall be so executed that so far as reasonably practicable the traffic along any highway or bridge shall not be impeded or interfered with and the Board shall not break up at any one time a greater length of the roadway than shall be reasonably specified by the surveyor :
- (9) The highway authority or the bridge authority may if they think fit themselves restore such portion of the highway or bridge as the case may be as has been broken up by the Board or by any contractor on their behalf and the Board shall themselves repay to the highway authority or the bridge authority all expenses reasonably incurred by the highway authority or the bridge authority in making such restoration :
- (10) The Board shall pay to the highway authority or to the bridge authority the reasonable expenses incurred by them in relation to the reasonable superintendence by the surveyor of the restoration by the Board of any highway or bridge :
- (11) The Board shall indemnify the highway authority and the bridge authority against all damages claims and demands by reason or in consequence or arising out of the exercise by the Board in or affecting any highway or bridge as the case may be of any of the powers of this Act :
- (12) Where for the purposes of the Board boxes or other like apparatus shall be placed in the surface of the carriageway of any highway or bridge the surveyor may require the same to be surrounded or protected by sett paving or other adequate form of protection and the Board shall at their own cost provide such protection to the reasonable satisfaction of the surveyor Any such sett paving or other form of protection whether placed at the request

A.D. 1937.

—
PART VII.

—cont.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

of the surveyor or otherwise shall be deemed to form part of the apparatus in connection with which it is provided :

(13) Any consent approval notice intimation requirement or direction to be given under this section shall be given in writing under the hand of the clerk of the highway authority or the bridge authority or the surveyor :

(14) Any difference which may arise under this section shall be referred to and determined by arbitration.

As to trunk roads &c.

84. As respects a trunk road or a bridge over which a trunk road passes references in this Act to a highway authority or a bridge authority or to their clerk or surveyor shall be construed as references to the Minister of Transport and any consent approval notice intimation requirement or direction to be given by such authority clerk or surveyor under the provisions of this Act shall in relation to any such road or bridge be given in writing by the Minister of Transport.

General provisions for protection of water gas and electricity undertakers.

85. For the protection of the several local authorities companies and bodies carrying on water gas or electricity undertakings under statutory powers within the sewerage district (hereinafter referred to as "the undertakers") the following provisions unless otherwise agreed in writing between the undertakers and the Board shall have effect with respect to the exercise of any of the powers of this Act including the enactments mentioned in the Fifth Schedule to this Act (that is to say) :—

(1) In this section—

" apparatus " means mains pipes electric lines posts poles or other works belonging to the undertakers ;

" the scheduled enactments " means the enactments mentioned in the Fifth Schedule to this Act ; and

" authorised work " means any work carried out in the exercise of the powers of this Act including the scheduled enactments :

(2) Before commencing to execute any authorised work within a distance of fifteen feet from any apparatus the Board shall (except in case of emergency in which case the Board shall give to the undertakers the longest notice they reasonably can give having regard to the urgency of the works to be executed) give twenty-one days' notice in writing to the undertakers of their intention to execute such authorised work and shall at the same time deliver to the undertakers a plan and section of such authorised work. The Board shall also give to the undertakers all such further information in relation to such authorised work as the undertakers may reasonably require :

(3) If it should appear to the undertakers that the execution of such authorised work as proposed would interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of water, gas or electricity by means thereof the undertakers may within twenty-one days after the receipt by the undertakers of the notice referred to in paragraph (2) of this section give notice to the Board to alter the position of such apparatus in such manner as may be reasonably necessary and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration and all such alterations shall (save as in this section provided) be carried out by and at the expense of the Board with as little detriment and inconvenience to the undertakers as the circumstances will admit and to the reasonable satisfaction of the engineer of the undertakers and under his superintendence unless after receiving not less than three days' notice for that purpose (which notice the Board are hereby required to give except in cases of emergency) he refuse or neglect to give such superintendence at the time specified in the notice for the commencement

A.D. 1937.

—
PART VII.

—cont.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.
—cont.

of such work or discontinue the same during the execution of such work :

- (4) The Board in executing any authorised work shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of water gas or electricity into or through any apparatus or interfere with the access thereto without the consent of the undertakers or in any other manner than the undertakers shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of water gas or electricity as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Board have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the undertakers :
- (5) Whenever by reason of the exercise by the Board of the powers of this Act including the scheduled enactments any apparatus (other than apparatus for which new apparatus has been substituted by or at the expense of the Board) shall be rendered derelict useless or unnecessary the Board shall forthwith pay to the undertakers such a sum as may be agreed between the Board and the undertakers or as failing such agreement shall be determined by arbitration to be the then value of such apparatus and such apparatus shall thereupon become the property of the Board and in addition to such payment the Board shall pay to the undertakers the reasonable cost of and incidental to the cutting off of any such derelict useless or unnecessary apparatus from any other apparatus of the undertakers and of and incidental to any other works or things rendered necessary or expedient in consequence of such apparatus being rendered derelict useless or unnecessary by the exercise by the Board of the powers of this Act including the scheduled enactments :

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
I GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

- (6) Wherever by reason of the exercise by the Board of the powers of this Act including the scheduled enactments any replacement of old apparatus by new apparatus or any addition to existing apparatus shall be rendered reasonably necessary the Board at their own expense shall provide all such apparatus of a quality equal to that replaced or added to and lay and connect the same in such position as may be reasonably required by the undertakers to the reasonable satisfaction of the engineer of the undertakers and in such manner as not to cause without the consent in writing of the undertakers any interruption in the continuous supply of water gas or electricity to the inhabitants of their area of supply :
- (7) The Board in executing any authorised work shall make good all damage done by them to any apparatus and shall make compensation to the undertakers for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service or supply pipes or lines of any person supplied by the undertakers with water gas or electricity :
- (8) If the undertakers shall desire to execute the works connected with any alteration of position removal displacement or renewal of or necessary additions to any apparatus under this section or shall desire to provide such new or additional apparatus and shall within fourteen days after the receipt of the notice referred to in paragraph (2) of this section give not less than seven days' notice in writing thereof to the Board the undertakers may themselves carry out the works and shall commence execute and complete the same with all reasonable dispatch and to the reasonable satisfaction of the Board and all reasonable expenses properly incurred by them in connection with the works or provision of apparatus shall be repaid to them by the Board :

A.D. 1937.

—
PART VII.

—cont.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART VII.

—cont.

- (9) When the Board under the powers of this Act including the scheduled enactments temporarily stop up or interfere with alter or divert any street or part of a street in which any apparatus is situate they shall provide reasonable access for the officers and servants of the undertakers for the purpose of enabling them to inspect repair and renew any of the apparatus :
- (10) If any difference shall arise with respect to any matter under this section between the Board and the undertakers or their respective engineers the matter in difference shall be determined by arbitration In settling any question under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of their apparatus and to any duties or obligations which the Board may be under in respect of their works and may if he thinks fit require the Board to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the undertakers' apparatus is used.

For further protection of water undertakers.

86. For the protection of the several local authorities companies and bodies carrying on water undertakings under statutory powers within the sewerage district (each of whom is hereinafter referred to as "the undertaker") the following provisions shall unless otherwise agreed in writing between the undertaker and the Board apply and have effect (that is to say) :—

- (1) If it shall appear to the undertaker that the user of any sewer authorised by this Act is likely to pollute the waters which the undertaker is empowered to take and the undertaker shall within two months after the passing of this Act give notice to the clerk of the county council specifying the sewer in question the Board shall construct the sewer of such materials for such length and in such manner as shall be agreed between the Board and the undertaker or as failing

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

agreement shall be determined by the Minister to be reasonably necessary for the purpose of avoiding pollution of such waters :

A.D. 1937.

—
PART VII.

—cont.

- (2) At least fourteen days before commencing to construct any sewer with respect to which a notice has been given to the clerk of the county council under this section the Board shall give to the undertaker concerned notice of their intention to construct the sewer and the engineer of the said undertaker shall be entitled to inspect the work both during the execution and after the completion thereof :
- (3) For the purposes of this section "sewer" shall be deemed to include any manhole.

87. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the county council of the administrative county of Middlesex (hereinafter in this section called "the Middlesex Council") shall unless otherwise agreed in writing between the Board and the Middlesex Council have effect (that is to say) :—

For protec-
tion of
Middlesex
County
Council.

- (1) Notwithstanding anything shown on the deposited plans the Board shall not acquire any of the properties of the Middlesex Council numbered 7 and 8 on the deposited plans in the parish of St. Stephen in the rural district of St. Albans but the Board may acquire such easements and rights therein as they are authorised to acquire by section 34 (Acquisition of easements compulsorily) of this Act :
- (2) The Board and the Middlesex Council may enter into agreements relative to the reception and treatment of sewage from that portion of the lands of the Middlesex Council held in connection with their Shenley mental hospital or their Shenley mental deficiency colony situate in the parish of Ridge :
- (3) During the construction renewal or repair of any portion of the authorised works through or under the said properties of the Middlesex Council the Board shall provide

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART VII.
—cont.

and maintain reasonable means of access for persons and vehicles to or from any portions of the said properties which by reason of such construction renewal or repair may be temporarily severed from other portions of the said properties :

- (4) Any dispute or difference which may arise between the Middlesex Council and the Board under this section shall be settled by arbitration.

For protection of Watford Corporation.

88. The following provisions for the protection of the Watford Corporation shall unless otherwise agreed in writing between the Board and the Watford Corporation apply and have effect (that is to say) :—

- (1) The Board shall not acquire compulsorily any of the following lands of the Watford Corporation namely the lands in the borough of Watford which are numbered 7 8 16 18 20 22 23 24 25 27 30 31 32 36 37 38 39 89 93 94 94A 108 109 110 111 114 124 125 126 127 128 129 130 131 133 134 135 136 137 137B 137C 137D 138 139 140 141 142 and 144 on the deposited plans and in the deposited book of reference but the Board may subject to the provisions of section 34 (Acquisition of easements compulsorily) of this Act acquire such easements and rights in such lands as they may require :
- (2) The Board shall not unnecessarily injure or interfere with any of the trees in Cassiobury Park or the West Herts golf links or the lands adjacent thereto respectively which belong to the Corporation :
- (3) (a) Notwithstanding anything contained in this Act or shown on the deposited plans or sections the Board shall not construct any of the works authorised by this Act on so much of the lands numbered 124 and 127 on those plans and in the deposited book of reference which is coloured pink on the plan signed by Philip Elton Longmore on behalf of the county council and William Hudson on behalf of the Watford Corporation ;

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

A.D. 1937.

PART VII.
—cont.

(b) The works authorised by this Act where the same are constructed on so much of the lands referred to in subparagraph (a) of this paragraph as is not coloured pink on the said plan and on the lands numbered 125 and 126 on the said plans and in the said book of reference shall be constructed in such position as may be agreed between the Board and the Watford Corporation or as failing agreement shall be determined by arbitration :

- (4) The powers of section 24 (As to material excavated in construction of works) of this Act shall not be exercised on or in regard to any lands of the Watford Corporation in such a manner as to cause a nuisance or obstruction :
- (5) The Board shall as soon as may be reasonably practicable and in any event not later than the expiration of a period of ten years after the passing of this Act in the exercise of the powers conferred upon them by section 50 (As to duties of Board and of constituent authorities with regard to sewage disposal) of this Act require that the works of the Watford Corporation which are referred to in Parts I and II of the Third Schedule to this Act together with any works which may have been constructed by the Watford Corporation under paragraphs (5) or (6) of that section on or adjacent to the site of the said works shall be closed down in accordance with the provisions of paragraph (2) of that section :
- (6) The provisions of section 61 (As to failure to exercise certain powers of constituent authorities) of this Act shall not apply to or in relation to any failure by the Watford Corporation to exercise their powers under section 40 (Separate sewers for sewage and surface water) of the Act of 1935 or under section 56 (Separate sewers for surface water and sewage may be required) of the Watford Urban District Council Act 1909 in relation to so much of the borough of Watford as is shown on the map signed by Philip

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

Elton Longmore on behalf of the county council and William Hudson on behalf of the Watford Corporation :

- (7) If any difference shall arise with respect to any matter under this section between the Board and the Watford Corporation the matter in difference shall be settled by arbitration.

For protection of St. Albans Rural Council.

89. The following provisions for the protection of the St. Albans Rural Council shall unless otherwise agreed between the Board and the St. Albans Rural Council apply and have effect (that is to say) :—

- (1) If before the appointed day the St. Albans Rural Council shall have made or commenced to make to the reasonable satisfaction of the county council the sewers and works in the rural district of St. Albans or any of them shown on the deposited plans or on the plans signed by Philip Elton Longmore on behalf of the county council and Eric Frederick George Laws on behalf of the St. Albans Rural Council the said sewers and works shall be deemed on the appointed day to be transferred to and shall vest in the Board as if an agreement had been entered into between the Board and the St. Albans Rural Council under section 66 (Agreements for transfer of sewers &c. to Board) of this Act :
- (2) The Board shall within twelve months after the passing of this Act repay to the St. Albans Rural Council any expenditure incurred by that council prior to the appointed day with respect to the said sewers and works Provided that if the said council shall have borrowed money for the purpose of meeting such expenditure the Board shall in each year pay to the said council as from the appointed day an amount equal to the charge for interest and repayment of capital payable by that council during that year (after deducting any moneys provided by Parliament as a contribution to such charge) in respect of such sewers and works and shall within twelve months after the passing of this Act

repay any such charge as shall have accrued prior to the appointed day: A.D. 1937.

- (3) As from the appointed day the Board shall become responsible for any obligations of the St. Albans Rural Council under any contract entered into with respect to the making of the said sewers and works and such contract may be enforced as fully and effectually as if instead of the St. Albans Rural Council the Board had been a party thereto.

PART VII.
—cont.

90. The following provisions for the protection of the Barnet Rural Council shall unless otherwise agreed between the Board and the Barnet Rural Council apply and have effect (that is to say):— For protec-
tion of
Barnet
Rural
Council.

- (1) The sewers shown on a plan signed by Philip Elton Longmore on behalf of the county council and Arthur Lancashire on behalf of the Barnet Rural Council shall be deemed to be transferred to and shall vest in the Board as if an agreement had been entered into under section 66 (Agreements for transfer of sewers &c. to Board) of this Act and the Board shall within twelve months after the passing of this Act pay to the Barnet Rural Council in respect of the said sewers such sum as may be agreed or determined by arbitration to represent the cost to the Board at the appointed day of laying down similar sewers less a reasonable sum in respect of deterioration of the fabric of the said sewers during the period between the date of the laying down thereof and the appointed day:

- (2) Any moneys paid by the Board under this section may be applied by the Barnet Rural Council with the approval of the Minister—

(a) in the discharge of any debt of the Barnet Rural Council;

(b) for any purpose for which capital money may properly be applied;

(c) in making loans to the Board; or

(d) in purchasing statutory securities as defined in section 218 of the Act of 1933.

Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

For protec-
tion of
Chorley-
wood
Council.

91. The following provisions for the protection of the Chorleywood Council shall unless otherwise agreed between the Board and the Chorleywood Council apply and have effect (that is to say):—

(1) On the appointed day there shall by virtue of this Act be transferred to and shall vest in the Board—

(a) the existing sewage disposal works of the Chorleywood Council and the lands forming the site of or held in connection therewith which are included in the lands shown on the deposited plans; and

(b) the sewers shown on a plan signed by Philip Elton Longmore on behalf of the county council and Bernard Blaser on behalf of the Chorleywood Council and such sewers shall be deemed to be transferred to and to vest in the Board as if an agreement had been entered into between the Board and the Chorleywood Council under section 66 (Agreements for transfer of sewers &c. to Board) of this Act:

(2) The Board shall on or before the appointed day pay to the Chorleywood Council in respect of such works lands and sewers the sum of thirty-eight thousand two hundred and thirty-five pounds and the reasonable fees of the consulting engineer of the Chorleywood Council:

(3) If the Board shall fail to make the said payment by the appointed day they shall pay interest at the rate of five per centum per annum on the said sum from the appointed day until the payment thereof:

(4) The said sum may with the approval of the Minister be applied by the Chorleywood Council—

(a) in the discharge of any debt of the Chorleywood Council;

(b) for any purpose for which capital money may properly be applied by the Chorleywood Council;

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

(c) in making loans to the Board; or

A.D. 1937.

(d) in purchasing statutory securities as defined in section 218 of the Act of 1933 :

PART VII.
—cont.

- (5) The Chorleywood Council shall so long as may be required by the Board maintain and operate the said works as if section 50 (As to duties of Board and of constituent authorities with regard to sewage disposal) of this Act applied to such works and the said works were referred to in the Third Schedule to this Act :
- (6) The Board may at any time themselves take over the maintenance and operation of the said works and thereupon the provisions with respect to compensation contained in section 119 (Existing officers) of this Act shall apply as if the said works had been closed down.

92. The following provisions for the protection of the Potters Bar Council shall unless otherwise agreed between the Board and the Potters Bar Council apply and have effect (that is to say) :—

For protection of Potters Bar Council.

- (1) If before the appointed day the Potters Bar Council shall have made or commenced to make to the reasonable satisfaction of the county council the sewers and works in the urban district of Potters Bar or any of them shown on the deposited plans the said sewers and works shall be deemed on the appointed day to be transferred to and shall vest in the Board as if an agreement had been entered into between the Board and the Potters Bar Council under section 66 (Agreements for transfer of sewers &c. to Board) of this Act :
- (2) The Board shall within twelve months after the passing of this Act repay to the Potters Bar Council any expenditure incurred by that council prior to the appointed day with respect to the said sewers and works Provided that if the said council shall have borrowed money for the purpose of meeting such expenditure the Board shall in each year

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

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PART VII.
—cont.

pay to the said council as from the appointed day an amount equal to the charge for interest and repayment of capital payable by that council during that year (after deducting any moneys provided by Parliament as a contribution to such charge) in respect of such sewers and works and shall within twelve months after the passing of this Act repay any such charge as shall have accrued prior to the appointed day :

- (3) As from the appointed day the Board shall become responsible for any obligations of the Potters Bar Council under any contract entered into with respect to the making of the said sewers and works and such contract may be enforced as fully and effectually as if instead of the Potters Bar Council the Board had been a party thereto :
- (4) If for the purposes of the discharge directly or indirectly into the sewers of the Board of the sewage of the part of the urban district of Potters Bar coloured pink on a map signed by Philip Elton Longmore on behalf of the county council and Thomas Theodore Thorpe on behalf of the Potters Bar Council such sewage shall be pumped to a higher level at the expense of the Potters Bar Council the Board shall if requested so to do by the Potters Bar Council use their best endeavours to enter into an agreement on reasonable terms with the county council of the administrative county of Middlesex or the urban district council of Enfield as the case may require for the reception of such sewage by gravitation into any suitable sewerage system which may be provided by the said county council or the said urban district council Any amounts payable under such agreement shall be paid by the Board and any question arising under this paragraph between the Board and the Potters Bar Council shall failing agreement be determined by the Minister.

93. The following provisions for the protection of the Rickmansworth Council shall notwithstanding anything contained in this Act and unless otherwise agreed between the Board and the Rickmansworth Council apply and have effect (that is to say):—

- (1) If before the first meeting of the Board the Rickmansworth Council shall have purchased or entered into any agreement for the purchase of any part of the lands described in section 30 (Power to acquire lands) or section 31 (Lands for sewage disposal works) of this Act the Board shall within twelve months after the passing of this Act repay to the said council any expenditure incurred or agreed to be incurred by that council in so doing including any charge for interest and repayment of capital thereon and thereupon the interest of the Rickmansworth Council in the said lands shall vest in the Board:
- (2) If before the passing of this Act the Rickmansworth Council and the rural district council of Amersham shall have entered into an agreement and in pursuance thereof the Rickmansworth Council construct to the reasonable satisfaction of the county council sewage disposal works on the said lands and lay to the like satisfaction any sewers in the urban district of Rickmansworth shown on the deposited plans the said works and sewers shall be deemed on the appointed day to be transferred to and shall vest in the Board as if an agreement had been entered into between the Board and the Rickmansworth Council under section 66 (Agreements for transfer of sewers &c. to Board) of this Act:
- (3) The Board shall within twelve months after the passing of this Act repay to the Rickmansworth Council any expenditure incurred by that council prior to the appointed day with respect to the said works and sewers after taking into account the amount of any contribution paid or payable by the rural district council of Amersham or provided by

A.D. 1937.

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PART VII.

—cont.

For protec-
tion of Rick-
mansworth
Council.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.
—cont.

Parliament to meet the cost of such works or sewers Provided that if the Rickmansworth Council shall have borrowed money for the purpose of meeting such expenditure the Board shall in each year pay to the said council as from the appointed day an amount equal to the charge for interest and repayment of capital paid or payable by that council during that year after taking into account the amount of any contributions as aforesaid and shall within twelve months after the passing of this Act repay any such charge as shall have accrued prior to the appointed day :

- (4) As from the appointed day the Board shall become responsible for any obligations of the Rickmansworth Council under any contract entered into with respect to the construction of the said works or the laying of the said sewers and such contract may be enforced as fully and effectually as if instead of the Rickmansworth Council the Board had been a party thereto.

For protection of Watford Rural District Council.

94. The following provisions for the protection of the Watford Rural District Council shall unless otherwise agreed between the Board and the Watford Rural District Council apply and have effect (that is to say) :—

Notwithstanding anything in this Act contained the Board shall at their own expense make such communications as may be necessary for the purpose of connecting the existing sewer of the Watford Rural District Council near Toms Lane in the parish of Kings Langley in the rural district of Watford to the intercepting sewer (Work No. 5) by this Act authorised.

For protection of conservators.

95. For the protection of the conservators the following provisions shall unless otherwise agreed in writing between the Board and the conservators have effect with respect to the authorised works so far as they affect the main river and to the exercise by the Board of the powers imposed by section 45

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

(Discharge of effluent into river Colne) of this Act (that is to say):—

A.D. 1937.

—
PART VII.

—cont.

(1) In this section—

“main river” means that part of the channel of the river Thames above Teddington Lock and the watercourses which are respectively to be treated as and deemed to be the main river and parts thereof and are shown by a distinctive colour on the map of the Thames catchment area prepared and for the time being approved by the Minister of Agriculture and Fisheries under and pursuant to section 5 of the Land Drainage Act 1930:

20 & 21

Geo. 5. c. 44.

(2) The authorised works shall be executed and maintained in accordance with plans elevations and sections to be submitted to and to be subject to the reasonable approval of the conservators and shall be executed and maintained to the reasonable satisfaction of the engineer of the conservators:

Provided that if the conservators shall not signify their approval or disapproval of any plans elevations or specifications within twenty-eight days after they shall have been submitted the conservators shall be deemed to have approved thereof:

(3) The authorised works shall be so constructed as not so far as practicable to cause any interruption of the flow of water in the main river:

(4) The Board shall give to the conservators at least one month's notice in writing of the time and place of the commencement of any of the authorised works:

(5) The authorised works when commenced shall be proceeded with and completed as quickly as possible:

(6) The Board shall on the completion of such of the authorised works as are of a permanent nature and upon reasonable notice from the conservators so to do remove the whole and

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

every part of the authorised works as are of a temporary nature and materials therefor which may have been placed in the main river by or at the instance of the Board and in particular all piles and other works in the bed of the main river shall if required by the conservators be drawn and not cut off and on the Board failing so to do the conservators may remove the same charging the Board with the expense of so doing and the Board shall forthwith repay to the conservators all expenses so incurred :

- (7) The Board shall not (except so far as shall be necessary in the construction of the authorised works) take any gravel soil or other material from the bed of the main river :
- (8) The Board shall carry out such protective works to the bed and banks of the river Colne above and below Work No. 1 authorised by this Act as may be reasonably required by the conservators :
- (9) Before bringing into operation Work No. 1 authorised by this Act the Board shall—

(a) fill in and stop up to the reasonable satisfaction of the conservators so much of the existing watercourse or ditch coloured red as lies between the points marked " A " and " C " on the plan dated the twenty-sixth day of April nineteen hundred and thirty-seven and signed by Philip Elton Longmore on behalf of the county council and by Griffith John Griffiths on behalf of the conservators ;

(b) construct a new channel between the points marked " B " and " C " on the said plan of such width length and gradient as may be reasonably required by the conservators ;

(c) construct at and across the north end of the said new channel at the point marked " B " on the said plan a weir of such type and construction and with

such protective works as may be reasonably required by the conservators; and

(d) widen deepen and grade so much of the said watercourse or ditch as lies between the points marked "C" and "D" on the said plan to such width depth and gradient as may be reasonably required by the conservators and construct a bridge crossing the said watercourse or ditch of such span and headway and in such position as may be reasonably required by the conservators:

A.D. 1937.

—
PART VII.

—cont.

- (10) The Board shall maintain the said weir protective works and bridge in a proper state of repair and efficiency to the reasonable satisfaction of the conservators and shall use the said weir in accordance with such reasonable directions as may from time to time be given by the conservators and in default of the Board so maintaining the said weir protective works or bridge or in the event of the Board failing to use the said weir in accordance with the provisions of this paragraph the conservators may maintain or use the same respectively and may recover the expenses reasonably incurred by them in respect thereof from the Board:
- (11) From and after the completion of the said new channel and the widening deepening and grading of so much of the said watercourse or ditch as aforesaid the Board shall maintain the same to the reasonable satisfaction of the conservators until such time as the said new channel and the said watercourse or ditch respectively become part of the main river:
- (12) The Board shall repay to the conservators all costs and expenses reasonably incurred by them in—

(a) so widening deepening grading or otherwise enlarging that part of the existing watercourse coloured blue on the said

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

plan which lies between the points marked "D" and "E" thereon; and

(b) so reconstructing any existing bridges over the said part of the said watercourse together with protective works to such bridges;

as may be reasonably necessary in the interests of land drainage by reason of the operations of the Board and the Board shall indemnify the conservators against all claims against them for damages or compensation in respect of any injury sustained by any person by reason of any works executed by the conservators as aforesaid:

- (13) The Board shall repay to the conservators the reasonable cost of making good any damage to the bed or banks of the river Colne and of removing any accumulation therefrom which shall be attributable to the discharge into the said river of effluent as provided by section 45 (Discharge of effluent into river Colne) of this Act:
- (14) Nothing in this Act shall authorise the Board to make maintain renew enlarge or work any sewer drain conduit culvert overflow or other work discharging into the river Colne or any other tributary other than the Work No. 1 authorised by this Act and the effluent sewer from the existing sewage disposal works of the Chorleywood Council:
- (15) Nothing in this Act shall affect the application of section 126 (Power to enter and inspect lands &c. for purposes of this Part of Act) of the Act of 1932 to the lands or premises of the Board:
- (16) Any difference which may arise between the Board and the conservators under this section (other than paragraphs (14) and (15) hereof) shall be referred to and determined by arbitration:

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

96. Nothing in this Act contained and nothing done under or in pursuance thereof shall prejudice lessen or derogate from the provisions of the Act of 1932 in their application to—

A.D. 1937.

—
PART VII.

—cont.

For further protection of conservators.

- (a) the respective constituent authorities in respect of any of the works described in Parts I and II of the Third Schedule to this Act or otherwise in relation to the treatment and disposal by such authorities of the sewage of their respective districts; or
- (b) the owners of the institutions mentioned in section 59 (As to sewage disposal works at certain institutions) of this Act in respect of the sewage disposal works connected with such institutions or otherwise in relation to the treatment and disposal of the sewage therefrom; or
- (c) the Board in respect of the exercise of any of their powers under the enactments mentioned in the Fifth Schedule to this Act;

and all notices served and prosecutions or other proceedings commenced before the appointed day by the conservators under any of the provisions of the Act of 1932 upon or against any of the constituent authorities or of the owners of such institutions shall not abate or be discontinued or prejudicially affected by this Act but shall continue and have effect in like manner to all intents as if this Act had not been passed.

97. The following provisions for the protection of the Grand Union Canal Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Board and the company apply and have effect:—

For protection of Grand Union Canal Company.

(1) In this section—

"the canal" means the canal and the canalised rivers of the company and the works of the company connected therewith;

"the feeders" means the feeder from the company's Aldenham reservoir and the

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

river Colne and the river Gade so far as those rivers are not canalised and includes any other feeder or watercourse of the company;

“the scheduled enactments” means the enactments mentioned in the Fifth Schedule to this Act; and

“the specified works” means (unless the context otherwise requires) any of the works authorised by or under this Act including the provisions of the scheduled enactments which will be laid or constructed under over or across the canal or the towpath thereof or any of the feeders or any other land or property of the company or within ten yards measured horizontally from any part of the canal or the towpath or the feeders or other land or property of the company and includes any work of repairing maintaining altering enlarging or reconstructing any of those works:

- (2) The Board and the company may enter into and carry into effect agreements and arrangements with reference to the construction maintenance and use by either of them of such works as may be necessary to provide for the discharge into the Grand Union Canal at such times and for such periods and on such terms (including the payments to be made by the company to the Board in respect of the construction maintenance and use of such works) as may be agreed of the effluent from the lands referred to in section 31 (Lands for sewage disposal works) of this Act or over or through or discharged from any lands or sewage disposal works vested in or maintained at the expense of the Board:
- (3) The Board shall not (except in accordance with the provisions of this section) enter upon take use or interfere with either temporarily or permanently any part of the canal or the towpath thereof or the feeders or any other

land or property of the company except that the Board may purchase and the company shall (if so required by the Board) grant to the Board such easements or rights under over or across the canal or the towpath or the feeders or other land or property of the company as may be reasonably required by the Board for constructing and maintaining any of the works authorised by this Act.

A.D. 1937.

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PART VII.
—cont.

The consideration to be paid for any easement or rights acquired by the Board in pursuance of this paragraph shall (if not agreed with the company) be determined in manner provided by the Lands Clauses Acts :

- (4) The Board shall not (except in emergency) commence to execute any of the specified works unless and until plans sections specifications and other necessary particulars of the works proposed to be executed shall have been approved by the company or settled by arbitration nor until the expiry of the notice to be given under paragraph (5) hereof of the date of the commencement of the work :

Provided that if the company do not within twenty-one days after the submission to them of any plans sections specifications or other particulars signify their disapproval thereof and the grounds of such disapproval they shall be deemed to have approved thereof :

- (5) The Board shall give to the company not less than fourteen days' notice in writing of the date on which they intend to commence any of the specified works and such notice shall not be given with respect to any particular work until the plans sections specifications and particulars thereof have been approved by the company or settled by arbitration in accordance with the provisions of paragraph (4) hereof :

- (6) Each and every of the specified works shall be executed and maintained in accordance with the plans sections specifications and particulars so approved or settled as aforesaid

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART VII.
—cont.

and to the reasonable satisfaction of the company's engineer who shall be entitled to inspect the specified works both during the execution and after the completion thereof.

The Board shall supply the engineer with such information as he may reasonably require with regard to any of the specified works proposed to be executed and the dimensions strength and description of all materials used or to be used in the execution thereof:

(7) Notwithstanding anything in this Act or on the deposited plans and sections or any award made on any arbitration under this section—

(i) The Board shall not construct any portion of Work No. 1 within a distance of thirty feet from the towpath of the canal except with the consent of the company;

(ii) Work No. 2A shall be carried over the canal and the towpath thereof so as to give a clear headway of not less than ten feet six inches above the weir controlling the level of that part of the canal over which the said work is carried and with such clear span across the canal and towpath thereof as will not restrict the waterway of the canal or the user of the towpath;

(iii) Each and every of the specified works which are constructed under the waterway or towpath of the canal shall be constructed so that no part of the work shall be less than eight feet six inches below the weir controlling the level of that part of the canal under which the work is constructed;

(iv) Each and every of the specified works which shall be constructed over under or across any of the feeders shall be constructed so as not to obstruct or in any manner interfere with the free flow of water along such feeder;

(v) Each and every of the specified works shall be so executed and maintained

as not to cause any leakage or loss of water from the canal or any of the feeders or affect in any way the passage of traffic along the canal or the towpath thereof; and

(vi) Each and every of the specified works shall also be maintained at all times in good and substantial repair by and at the expense of the Board and to the reasonable satisfaction of the company's engineer :

A.D. 1937.

—
PART VII.

—cont.

- (8) If at any time the company's engineer shall be of opinion that the execution of any of the specified works may be attended with danger to the canal or involve any risk of loss of water from the canal or any of the feeders the Board shall forthwith execute such further works or take such measures and precautions as the said engineer may reasonably require for the purpose of preventing injury to the canal or towpath thereof or loss of water as aforesaid.

If there be any dispute between the respective engineers of the Board and the company as to the reasonableness of any requirement of the company's engineer under this paragraph the dispute shall be settled by arbitration :

- (9) The Board shall during the execution of any and each of the specified works bear and pay to the company the reasonable costs charges and expenses of the employment of a sufficient number of inspectors or watchmen to be appointed by the company for watching the canal and towpath thereof and other property of the company or any of the feeders with reference to the execution of the works and for preventing so far as may be any damage obstruction or danger to the canal or towpath or other property of the company or any of the feeders from any of the operations of the Board under this Act or from any act or default of their contractors or of any person in the employment of the Board or otherwise :

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

- (10) If in consequence of the construction reconstruction use alteration repair enlargement or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or otherwise in consequence of the exercise by the Board of any of the powers of this Act any damage or injury to the canal or towpath thereof or other property of the company or any leakage or loss of water from the canal or any of the feeders or any interruption to or interference with the conduct of traffic on the canal or towpath thereof or to or from any other property of the company (except such interruption or interference as cannot be reasonably avoided by the Board in carrying out the powers of this Act) or any interference with the free flow of water in any of the feeders shall at any time be occasioned or arise the Board shall forthwith at their own expense and to the reasonable satisfaction of the company's engineer execute all such works and do all such things as may be necessary to restore the canal or towpath or other property of the company and the water in the canal or any of the feeders to the same state and condition as before the happening of such injury or leakage or loss of water or remove the cause of such interruption or interference (as the case may require) and take all such steps as may be necessary to prevent the recurrence of such damage injury leakage loss interruption or interference under the superintendence (if the same be given) and to the reasonable satisfaction of the company's engineer.

If the Board at any time fail to comply with the provisions of this paragraph and also in case of emergency the company may after giving not less than fourteen days' previous notice in writing to the Board or forthwith if the circumstances so require execute and do themselves all such works and things as may be necessary as aforesaid and the

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

Board shall pay to the company the costs and expenses reasonably incurred by the company in so doing :

A.D. 1937.

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PART VII.

—cont.

- (11) The Board shall indemnify and hold harmless the company from all claims demands costs expenses and damages which may be made on or against them or which they may incur or have to pay in consequence of the construction reconstruction use alteration repair enlargement or renewal of any of the specified works or the failure or want of repair thereof or any subsidence caused by the construction thereof or in consequence of any act or omission of the Board their contractors agents workmen or servants :
- (12) Except as may be otherwise agreed between the Board and the company under paragraph (2) of this section nothing in this Act shall authorise the Board or any constituent authority to discharge or allow to drain or be carried into the canal or any of the feeders any mud or other solid matter or any liquid matter :
- (13) Any difference which may arise under this section shall (except as provided in paragraph (3) hereof) be referred to and determined by arbitration.

98. For the protection of the transport undertakers the following provisions shall unless otherwise agreed in writing between the transport undertakers and the Board apply and have effect (that is to say) :—

For protec-
tion of
certain
transport
undertakers.

- (1) In this section unless the context otherwise requires—

“ the transport undertakers ” means each of the following :—

The London Passenger Transport Board ;

The London and North Eastern Railway Company ;

The Metropolitan and Great Central Joint Committee ; and

The London Midland and Scottish Railway Company ;

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

“the engineer” means the engineer of the transport undertakers;

“the prescribed works” means so much of the authorised works or of any works executed in pursuance of section 22 (Power to make subsidiary works) of this Act as may be situate upon across over or under or as may in any way affect any railway or property or work of the transport undertakers :

- (2) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of the prescribed works the same shall be done by and in all things at the expense of the Board except as in this section is otherwise provided and to the reasonable satisfaction of the engineer and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any railway or work of the transport undertakers and except in cases of repair according to plans sections specifications and particulars to be submitted to and reasonably approved by the engineer before any of the prescribed works shall be executed :

Provided that if the engineer shall not signify his approval or disapproval of such plans sections specifications and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof :

Provided further that no manhole or inspection chamber shall be constructed upon any railway or works of the transport undertakers and that no part of the prescribed works shall be constructed under the lines of railway so that it shall be less than three feet below the level of the rails thereof :

- (3) The Board shall restore and make good to the reasonable satisfaction of the engineer the railways and works of the transport undertakers and the roads which the transport

undertakers are liable to maintain over or under any bridge or over any level crossing of any such railway 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 of the operations of the Board:

- (4) If the transport undertakers so elect they may themselves execute and maintain the prescribed works (other than the actual laying down and maintenance of sewers or other apparatus) and may recover the reasonable cost of so doing from the Board:
- (5) The prescribed works shall be constructed executed and maintained so as to cause as little injury as may be to the railways or works of the transport undertakers and so as not to cause any interruption to the passage or conduct of traffic over any such railway and if any such injury or interruption shall arise from the acts or operations of the Board or by reason of the failure of the Board to maintain the prescribed works or if any bursting leakage or failure of the prescribed works shall cause any injury to any such railway or work of the transport undertakers all such injury shall forthwith be made good by the Board at their own expense and to the reasonable satisfaction of the said engineer and the Board shall be responsible for and save harmless and indemnify the transport undertakers from all claims in respect of any such injury or interruption and shall make compensation to the transport undertakers for and in respect thereof and compensation for any disturbance of traffic which the construction or maintenance of the prescribed works may entail:
- (6) In the event of the Board failing to make good such injury as aforesaid to the reasonable satisfaction of the engineer or failing to maintain the prescribed works in substantial repair and good order the transport undertakers after giving to the Board not less than

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

fourteen days' notice (except in case of emergency when they shall give the longest notice practicable) may make good the same and make and do in and upon as well the lands of the Board as their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof from the Board :

- (7) If by reason of the construction or maintenance of the prescribed works it shall become necessary to reconstruct alter strengthen underpin or in anywise interfere with the structure of any building bridge embankment or other work of the transport undertakers such reconstruction alteration strengthening or underpinning shall be carried out by the transport undertakers after (except in cases of emergency) not less than fourteen days' notice of their intention so to do to the Board at such times and in such manner as they think expedient or necessary and the reasonable cost thereof shall be borne and paid by the Board :
- (8) If it should be necessary during the construction of the prescribed works or by reason of the existence of the same to alter any of the telegraph telephone or signal posts wires or cables or other work or apparatus belonging to or on any railway of the transport undertakers the transport undertakers may effect such alterations and the Board shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (9) The Board shall not under the powers of this Act enter upon take or use any lands of the transport undertakers save and except that the Board may acquire and the transport undertakers on being required so to do by the Board shall sell to the Board such a right or easement as may be necessary to enable the Board to construct and maintain the works authorised by this Act so far as the same

will be situate upon across over or under the lands of the transport undertakers and the Board shall pay to the transport undertakers for any right or easement which they may so require the transport undertakers to sell such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts :

A.D. 1937.

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PART VII.
—cont.

- (10) The Board shall not without the consent of the transport undertakers (which shall not be unreasonably withheld) either temporarily or permanently enter upon use or interfere with any railway or work of the transport undertakers save only so far as may be necessary for the construction maintenance or renewal of the works authorised by this Act :
- (11) The Board shall bear and on demand pay to the transport undertakers the reasonable expense of the employment by them during the construction and maintenance of the prescribed works of such inspectors signalmen or watchmen to be appointed by the transport undertakers as may be reasonably necessary for watching and protecting their railways and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Board or their contractors or any person or persons in the employ of the Board or their contractors :
- (12) Before the construction of the prescribed works any temporary works which may in the reasonable opinion of the engineer be necessary to ensure the stability of the railways or works of the transport undertakers may be carried out by the transport undertakers for the Board and the reasonable costs thereof and any reasonable expenses incurred in connection therewith shall be repaid by the Board to the transport undertakers :

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

- (13) If any work is carried out by the transport undertakers as aforesaid the Board shall repay to the transport undertakers all reasonable costs of any necessary inspectors signalmen and watchmen :
- (14) If it shall be reasonably necessary at any time (either before or during the construction or within two years after the completion of the prescribed works and in consequence of such construction) that any further or other works be constructed or measures of precaution taken either by way of addition to the existing works of the transport undertakers or in connection with the prescribed works or in relation to the method of construction of the prescribed works so as to prevent the subsidence of or injury to any of the railways or works of the transport undertakers the Board shall on being thereunto reasonably required in writing under the hand of the engineer make and execute at their own expense and according to plans sections and specifications to be prepared by him and reasonably approved by the engineer to the Board such works or take such measures of precaution including the temporary cessation of the construction of the prescribed works as the engineer shall reasonably require. The construction of the prescribed works when commenced shall proceed with all reasonable dispatch :
- (15) If the transport undertakers at any time or times hereafter in pursuance of any powers existing at the passing of this Act require to construct any additional or other works upon their lands or railways or to extend alter or repair any railway or other work upon across over or under which any of the works authorised by this Act may have been constructed the transport undertakers may after giving to the Board not less than fourteen days' notice in writing under the hand of their secretary or in case of emergency after giving such notice as is reasonably practicable divert

A.D. 1937.

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PART VII.
—cont.

support or carry such work across over or under the railway or work 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 and so as not to interrupt or interfere with the flow of sewage or other liquid or solid matter without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works :

Provided that any works executed by the transport undertakers under this paragraph shall be executed in accordance with plans sections and specifications previously submitted to and reasonably approved by the Board and to the reasonable satisfaction of the Board :

- (16) Any additional expense which the transport undertakers may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Act any of their railways or works by reason of the existence of the prescribed works shall be paid by the Board :
- (17) Nothing in this section contained shall prejudice alter or affect the rights of the transport undertakers or the Board under any agreement between them or their predecessors relating to the sewers mains pipes or other works of the Board and where the provisions of such agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply :
- (18) The restrictions contained in section 333 of the Act of 1936 shall extend and apply to any works of the transport undertakers the execution of which is authorised by the provisions of that Act as applied to the Board by this Act :
- (19) For the purposes of paragraphs (4) (6) (7) (8) (11) and (12) of this section any costs or expenses reasonably incurred by the transport undertakers shall be deemed to include the

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.
—cont.

reasonable cost of insurance against the payment of compensation to any workmen or the legal representatives or dependants of workmen who may be injured or killed whilst employed by the transport undertakers in and about the works or operations respectively mentioned in the said paragraphs or (if the transport undertakers do not insure) a reasonable sum to cover such risks :

- (20) Except as in this section otherwise expressly provided any difference arising between the Board and the transport undertakers or the engineer respecting any of the matters referred to in this section shall be referred to and determined by arbitration.

For protection of
Barnet District Gas
and Water
Company.

99. For the protection of the Barnet District Gas and Water Company (in this section called "the Barnet Company") the following provisions shall unless otherwise agreed in writing between the Barnet Company and the Board apply and have effect :—

- (1) Notwithstanding anything in this Act or shown on the deposited plans and sections the Board shall not construct any authorised work within a distance of twenty-five feet from so much of the Barnet Company's existing twenty-inch water main as is situate between the point at which Cecil Road intersects the Barnet by-pass road in the urban district of Potters Bar and Parkgate Corner in the parish of St. Peter Rural in the rural district of St. Albans (in this section referred to as "the said main") except for the purpose of crossing under the said main Provided that where any authorised work is constructed for the purpose aforesaid within a distance of twenty-five feet from the said main the Board shall provide adequate support for the said main to the reasonable satisfaction of the Barnet Company's engineer :
- (2) Any difference which may arise under this section shall be referred to and determined by arbitration.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

100. The following provisions for the protection of the Colne Valley Water Company (in this section referred to as "the Colne Valley Company") shall unless otherwise agreed between the Board and the Colne Valley Company apply and have effect (that is to say) :—

- (1) In this section "the signed plan" means the plan signed by Philip Elton Longmore on behalf of the county council and Charles Purves Sinclair on behalf of the Colne Valley Company :
- (2) In executing Work No. 3 by this Act authorised the Board shall so lay the intercepting sewer that the line thereof passes between the intermittent red lines shown on the signed plan and so far as practicable the material excavated during the construction of the said sewer shall be confined within the said lines :
- (3) The Board shall not under the powers of this Act acquire the lands numbered 25 27 29 and 30 on the deposited plans in the urban district of Bushey but the Board may in exercise of the powers conferred on them by section 34 (Acquisition of easements compulsorily) of this Act acquire such easements and rights in the said lands as the Board may require :
- (4) If the Board shall acquire the lands numbered 39 and 40 on the deposited plans in the urban district of Bushey the Board shall if required by the Colne Valley Company sell to the Colne Valley Company such easement and right in the strip of land having a width of twenty-five feet and coloured green on the signed plan as may be necessary for the purpose of enabling the Colne Valley Company to lay and maintain water mains and other apparatus including electric cables in or under the said land and the Colne Valley Company shall pay to the Board for such easement and right such sum as may be agreed upon or failing agreement as shall be settled by arbitration.

A.D. 1937.

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PART VII.

—cont.

For protec-
tion of
Colne Valley
Water
Company.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART VII.
—cont.

For protection of Rickmansworth and Uxbridge Valley Water Company.

101. For the protection of the Rickmansworth and Uxbridge Valley Water Company (in this section referred to as "the company") the following provisions shall in addition to any other provisions enuring for the protection of the company and notwithstanding anything in this Act or in the enactments mentioned in the Fifth Schedule to this Act apply and have effect unless otherwise agreed in writing between the Board and the company:—

(1) In this section—

"the sewage lands" means the lands described in section 31 (Lands for sewage disposal works) of this Act;

"the specified works" means—

(a) any of the works and conveniences to be vested in or provided by or maintained and operated in accordance with the directions of the Board under in on or over the sewage lands; and

(b) any of the authorised works commencing or terminating at or in the sewage lands;

and includes any work of repairing altering enlarging or reconstructing any of such works and conveniences:

Provided that any sewers and works which are immediately before the appointed day vested in the Chorleywood Council shall not be deemed to be specified works for the purposes of this section until the expiry of a period of five years after the appointed day or until the Board discharge into the river Colne sewage effluent other than sewage effluent from the said sewers and works whichever shall be the earlier;

"the Springwell pumping station" means the company's pumping station at Springwell in the urban district of Uxbridge being Work No. 4 authorised by section 4 of the Rickmansworth and Uxbridge Valley Water Act 1936 and includes the works in connection therewith or subsidiary thereto authorised by subsection (2) of that section;

26 Geo. 5. &
1 Edw. 8.
c. lvi.

“ the Mill End pumping station ” means the company’s pumping station at Mill End in the urban district of Rickmansworth ;

“ the Batchworth pumping station ” means the company’s pumping station at Batchworth in the urban district of Rickmansworth :

A.D. 1937.

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PART VII.

—cont.

(2) In the execution and subsequent maintenance and user of the specified works the Board shall not—

(a) obstruct or interfere with or with the flow of water into or through any canal river stream or watercourse in such manner as to cause any flooding of or injury to the Springwell pumping station or the Mill End pumping station ;

(b) pollute the water now or hereafter obtainable by the company at the Springwell pumping station or the Mill End pumping station :

(3) The Board shall from time to time at reasonable intervals make such examination and tests of the specified works as may be prescribed by the Minister for the purpose of ascertaining if there is or has been or is a likelihood of any escape of sewage therefrom and the Board shall give to the engineer of the company reasonable previous notice of their intention to make any such examination and tests and the said engineer shall have reasonable access to the specified works during the making of such examination and tests :

Provided that this paragraph shall cease to have effect if the company abandon the Springwell pumping station :

(4) (a) No sludge or humus shall be dried or stored on the sewage lands otherwise than in watertight beds or chambers ;

(b) The Board shall prevent any liquid draining from the said beds or chambers from soaking into the subsoil of the sewage lands or any lands adjoining the sewage lands :

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

(5) (a) The Board shall not in the exercise of the powers of section 21 (Power to make general works) of this Act construct any overflow discharging into the river Colne or any tributary thereof within the limits for the supply of water by the company unless the Board shall have previously given not less than one month's notice in writing to the company of their intention to construct such overflow;

(b) If within fourteen days after the receipt of any notice given to them under subparagraph (a) of this paragraph the company give notice in writing to the Board that in the opinion of the company the construction of the overflow to which the first-mentioned notice relates would be likely to cause pollution of any water obtainable by the company at any of their existing pumping stations the Board shall not construct that overflow save in such position and in such manner as shall be agreed between the company and the Board or failing agreement determined by the Minister to be reasonably requisite for the purpose of avoiding pollution of any such water:

(6) Section 86 (For further protection of water undertakers) of this Act shall in its application to the company be read and have effect as if the word "sewer" in that section included Work No. 2 authorised by this Act:

(7) If the company shall introduce into Parliament in either of the next two sessions a Bill (in this section referred to as "the said Bill") for an Act authorising both or either of the following matters:—

(a) the construction by the company of
(i) a well and pumping station or wells and pumping stations in lieu of the Springwell pumping station on a new site or new sites to be approved by the county council or failing their approval to be approved by an engineer to be agreed between the company and the county council or failing

such agreement to be appointed by the President of the Institution of Civil Engineers and (ii) subsidiary and ancillary wells bores adits headings and other works and conveniences;

(b) the removal of the restrictions in the Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1937 on the quantity of water which may be pumped by the company at the Batchworth pumping station;

and if the said Bill contains a provision that the aggregate daily quantity of water to be pumped by the company at the Batchworth pumping station and the Mill End pumping station and (if the same be sanctioned) any pumping station or pumping stations authorised by the said Bill shall not exceed (except with the consent of the county council the Metropolitan Water Board and the conservators) seven million two hundred and fifty thousand gallons then—

(i) neither the county council nor the Board shall oppose such of the provisions of the said Bill as relate to the matters mentioned in subparagraphs (a) and (b) of this paragraph and both of them shall use their best endeavours to obtain the approval of those provisions by the Metropolitan Water Board and the conservators; and

(ii) the Board shall pay to the company all costs and expenses reasonably incurred by the company in connection with the promotion of the said Bill so far as it relates to the said matters:

(8) If by the said Bill the company obtain power to pump from the Batchworth pumping station the Mill End pumping station and the pumping station or pumping stations authorised by the said Bill or any one or more of the said pumping stations a daily quantity of water amounting in the aggregate to not

A.D. 1937.

PART VII.
—cont.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

less than seven million two hundred and fifty thousand gallons the company may if they think fit abandon the Springwell pumping station and if and as soon as the company are able to pump at the said pumping stations or any one or more of them such daily quantity of water as aforesaid the company shall if so required by the Board abandon the Springwell pumping station and shall notify the Board of the date of such abandonment:

- (9) If after the said Bill has been passed into law the company abandon the Springwell pumping station pursuant to the last preceding paragraph—

(a) the company shall (if requested by the Board so to do within three months after the date of such abandonment) convey to the Board all the estate and interest of the company in the lands acquired by the company for the purposes of the Springwell pumping station and the Board shall pay to the company all expenses incurred by the company in connection with such conveyance; and

(b) the Board shall within three months after the date of such abandonment pay to the company a sum equal to the capital reasonably expended by the company in connection with the Springwell pumping station (including the capital expended by the company in connection with the acquisition by them of the said lands) but credit shall be given against such sum for so much of the said capital as is properly attributable to the provision at the Springwell pumping station of any plant or other apparatus which the company can reasonably be expected to remove and retain for the purposes of their undertaking less the cost of removal of such plant and other apparatus and its re-erection on other land of the company; and

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

(c) paragraph (2) of this section shall cease to apply in relation to the Springwell pumping station :

Provided that the amount payable by the Board under subparagraph (b) of this paragraph shall not exceed the sum of four thousand five hundred pounds exclusive of the capital expended by the company in connection with the acquisition by them of the said lands.

102. For the protection of the Watford and St. Albans Gas Company (hereinafter referred to as "the company") the following provisions unless otherwise agreed in writing between the company and the Board shall have effect with respect to the construction and maintenance of the intercepting sewer (Work No. 3) (that is to say) :—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans the Board shall in constructing the said sewer so lay the same through the properties numbered on the deposited plans in the borough of Watford 103 104 105 and the western portion of 102 in the line shown on the plan signed by Philip Elton Longmore on behalf of the county council and George Evetts on behalf of the company :
- (2) The Board shall not acquire under the powers of this Act any of the said properties but the Board may in exercise of the powers of section 34 (Acquisition of easements compulsorily) of this Act acquire from the company subject to the provisions of this section an easement or right for the construction and maintenance of the said sewer along the line shown on the signed plan :
- (3) (a) Before carrying out any work in connection with the construction maintenance alteration renewal or reconstruction of so much of the said sewer as passes through or under the said properties the Board shall give the company reasonable notice in writing of their intention to execute such work and shall at the same time deliver to the company

A.D. 1937.

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PART VII.

—cont.

For protec-
tion of
Watford and
St. Albans
Gas Com-
pany.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

plans and sections of such proposed work The Board shall also give to the company such further information in relation to such proposed work as the company may reasonably require;

(b) All such work shall be carried out by the Board with reasonable dispatch and in accordance with such plans and sections and in such manner as shall be reasonably approved by the engineer of the company and shall be completed to the reasonable satisfaction of the engineer of the company;

(c) In carrying out any such work the Board shall not do anything to interfere with any building plant or apparatus of the company or with the access thereto or the operation thereof;

(d) The Board in executing any such work shall make good all damage done by them to any building plant or apparatus of the company and shall make compensation to the company for any loss damage costs or expenses which they may sustain by reason of any interference with such building plant or apparatus or the access thereto or the operation thereof:

(4) If any difference shall arise with respect to any matter under this section between the Board and the company the matter in difference shall be determined by arbitration.

For protec-
tion of
Saint Albans
Waterworks
Company.

103. The following provisions for the protection of the Saint Albans Waterworks Company (in this section referred to as "the St. Albans Company") shall unless otherwise agreed between the Board and the St. Albans Company apply and have effect (that is to say):—

(1) In executing Work No. 6 by this Act authorised the Board shall so lay the intercepting sewer that the line thereof passes between the intermittent red lines shown on a plan signed by Philip Elton Longmore on behalf of the county council and Henry Thomas Gore Gardiner as secretary on behalf of the St. Albans Company:

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

(2) The Board may acquire and the St. Albans Company shall sell such easements and rights in the lands shown on the said plan as the Board may require for such purposes and the provisions of this Act shall apply to such acquisition as if the said lands were numbered on the deposited plans :

A.D. 1937.

—
PART VII.
—cont.

Provided that the St. Albans Company may lay a line or lines of water mains in the said lands across the line of the said sewer at such depths being above the said sewer as will avoid any injury thereto.

104. Notwithstanding anything in this Act or shown on the deposited plans the following provisions for the protection of the trustees for the time being of the Royal Masonic Institution for Girls or other the owner or owners for the time being of the estate hereinafter in this section defined or any part or parts thereof (hereinafter in this section referred to as "the owners") shall except so far as may be otherwise agreed in writing between the Board and the owners apply and have effect:—

For protec-
tion of
Royal
Masonic
Institution
for Girls.

(1) In this section—

"the signed plan" means the plan which has been signed in duplicate by Philip Elton Longmore on behalf of the county council and by Charles Gerald Eve on behalf of the owners one copy of which will be retained by the Board and the other by the owners;

"the estate" means the lands shown upon the signed plan and thereon coloured pink;

"the sewer" means so much of Work No. 4 described in section 19 (Power to make works) of this Act as shall be constructed or laid under the estate and includes all works in connection therewith or subsidiary thereto :

(2) The Board shall not acquire under this Act any part of the estate or any interest of the owners therein or any easements or rights over the same except that the Board may

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART VII.

—cont.

acquire from the owners and the owners shall grant to the Board (subject to the provisions of this section) such easements or rights over the estate as the Board may require for the construction maintenance user extension enlargement alteration renewal and removal of the sewer The consideration to be paid for the easements or rights to be acquired by the Board in pursuance of this paragraph shall if not agreed between the Board and the owners be determined in manner provided by subsection (1) of section 34 (Acquisition of easements compulsorily) of this Act :

- (3) The sewer shall be constructed within the limits in that behalf marked on the signed plan and at such depth that there shall be not less than two feet between the top of the sewer and the natural surface of the ground (including the bed of the river Chess at the point where the sewer crosses that river) and upon the completion of the same the Board shall not fence off or sever from the adjoining lands the lands under which it is constructed but after the covering in of the same the owners their lessees and tenants shall subject to such easements or rights as aforesaid have the same rights of passing over or using such lands as if no such easement or right as aforesaid of using the same had been acquired by the Board Before the surface of any agricultural land under which the sewer shall be constructed is broken or otherwise disturbed the Board shall first carefully remove all turf and vegetable soil and on completion of the sewer or any repairs or other maintenance thereof shall to the reasonable satisfaction of the owners fill in all trenches and excavations and as far as may be reasonably practicable evenly spread the soil and replace the turf and restore the land occupied thereby or injured in consequence thereof as nearly as may be reasonably practicable to its former level or state :

(4) So far as may be reasonably practicable consistently with the construction or maintenance of the sewer within the limits marked on the signed plan the Board shall not remove or otherwise interfere with the existing close-boarded oak fence between the points marked "A" and "B" thereon or any part or parts thereof and if the same or the existing steel fence between the points marked "A" and "C" on the signed plan shall be removed or interfered with during or for the purposes of the construction or maintenance of the sewer the same shall as soon as reasonably practicable after the completion of the sewer and to the reasonable satisfaction of the owners be re-erected and restored and if reasonably necessary replaced by substituted fences of a height and character equivalent to the existing fences :

(5) Notwithstanding anything contained in section 28 (Temporary stoppage of streets &c.) of this Act the Board shall not divert any part of so much of the river Chess as passes through the estate and shall before stopping up or interfering with any road or footpath upon the estate (including the bridges carrying any such roads or footpaths over the river Chess) provide a sufficient substitute therefor to the reasonable satisfaction of the owners :

(6) Before commencing to construct the sewer the Board shall submit to the owners for their reasonable approval plans sections and particulars of the sewer If within one month after the receipt of such plans sections and particulars the owners intimate in writing to the Board any objection thereto or make any requirement with respect thereto with which the Board are unwilling to comply a difference shall be deemed to have arisen between the Board and the owners which shall be settled by arbitration but if no such objection or requirement shall be intimated or made within the said period of one month the owners shall be deemed to have approved

A.D. 1937.

PART VII.

—cont.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

the said plans sections and particulars as submitted to them and the sewer shall be constructed in accordance with the said plans sections and particulars as approved or deemed to be approved by the owners or settled by arbitration as aforesaid :

- (7) Before entering upon any part of the estate for the purpose of constructing the sewer the Board shall give not less than one month's notice in writing to the owners of their intention so to do and the construction of the sewer shall so far as is reasonably practicable be thereupon proceeded with expeditiously until completion :
- (8) The Board shall erect and maintain all such temporary fences and execute all such temporary works as may be reasonably necessary for preventing any injury to cattle or other animals of the owners their lessees or tenants during or in consequence of the construction of the sewer and shall when the sewer is completed remove such temporary fences or other temporary works Provided that the Board shall not use barbed wire in any of the temporary fences to be erected by them in pursuance of this paragraph :
- (9) All footpaths bridges watercourses pipes water supplies hedges walls fences gates ditches culverts drains and other like matters and things belonging to the owners which may be interfered with or injured or otherwise injuriously affected by the Board during the construction or maintenance of the sewer shall be made good by the Board who shall in such construction and maintenance do as little damage as is reasonably practicable to the estate and to the user and enjoyment thereof :
- (10) No permanent electric lines wires or apparatus shall be laid by the Board through the estate except with the consent of the owners which consent shall not be unreasonably withheld :

A.D. 1937.

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PART VII.
—cont.

(11) The Board shall not form any roads upon the estate under the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act :

(12) (a) All spoil and material obtained in or in connection with the construction or maintenance of the sewer or any part thereof and not required by the Board in connection with such construction or maintenance shall if the Board desire to deposit the same on or spread the same over any part of the estate be deposited on or spread over such place or places and upon and subject to such terms and conditions and to the payment by the Board of such compensation (if any) as shall be agreed between the Board and the owners or in default of agreement settled by arbitration;

(b) Except in accordance with the terms of this paragraph the Board shall not deposit any such spoil or material on any part of the estate;

(c) Any soil or material which the Board desire to take from the estate under the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall be taken from such part thereof as the owners may reasonably approve :

(13) The Board shall both during and after the construction of the sewer take all reasonable means to prevent trespass on the estate by persons in their employment or in the employment of their contractors or sub-contractors :

(14) In the construction maintenance and user of the sewer the Board shall do as little damage as reasonably may be to any trees upon any part of the estate :

(15) If any question (other than a question to which the provisions of the Lands Clauses Acts apply) shall arise between the Board and the owners under this section the same shall be determined by arbitration :

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART VII.
—cont.

- (16) The provisions of this section shall be in addition to and not in derogation of any rights of the owners under any other provisions of this Act or any Act or part of any Act incorporated therewith.

For protection of Trustees of St. Albans School Playing Fields.

105. The following provisions for the protection of the Trustees of the St. Albans School Playing Fields (in this section referred to as "the trustees") shall unless otherwise agreed between the Board and the trustees apply and have effect (that is to say):—

- (1) In executing Work No. 6 by this Act authorised the Board shall so lay the intercepting sewer that the line thereof passes between the intermittent red lines shown on a plan signed by Philip Elton Longmore on behalf of the county council and Henry John Loe on behalf of the trustees:
- (2) The Board may acquire and the trustees shall sell such easements and rights in the lands shown on the said plan as the Board may require for such purposes.

For protection of Alfred Thomas Franklin.

106. The following provisions for the protection of Alfred Thomas Franklin or other the owner or owners for the time being of Maple Lodge Farm in the urban district of Rickmansworth shall unless otherwise agreed between the Board and the owners apply and have effect (that is to say):—

- (1) In this section—

"the signed plan" means the plan signed by Philip Elton Longmore on behalf of the county council and Alfred Thomas Franklin on behalf of the owners;

"the owners" means Alfred Thomas Franklin or other the owner or owners for the time being of the lands coloured pink on the signed plan:

- (2) The Board shall purchase and the owners shall sell to the Board at such price as may be agreed or as failing agreement shall be determined in accordance with the provisions of the Lands Clauses Acts the lands coloured

pink and the strip of land twenty feet in width coloured green on the signed plan but the Board shall not purchase compulsorily any part of the lands numbered 135E on the deposited plans in the urban district of Rickmansworth except so much thereof as forms part of the said strip of land coloured green on the signed plan:

A.D. 1937.

—
PART VII.

—cont.

- (3) The Board shall on the said strip of land coloured green on the signed plan construct a concrete road not less than sixteen feet in width:
- (4) The owners shall be entitled to a right of way at all times and for all purposes over the said road and to a right of access therefrom to the lands abutting on the north and south sides thereof until the said road shall become a highway repairable by the inhabitants at large:
- (5) Unless and until the Board shall acquire the lands numbered 133 135 and 140 on the deposited plans in the urban district of Rickmansworth the owners shall be entitled to a right of way at all times and for all purposes over the existing lane situate to the east of the said strip of land coloured green on the signed plan.

107. The following provisions for the protection of G. B. Kent and Sons (in this section referred to as "Messrs. Kent") shall unless otherwise agreed between the Board and Messrs. Kent apply and have effect:—

For protec-
tion of
G. B. Kent
and Sons.

- (1) In executing Work No. 5 by this Act authorised the Board shall so lay the intercepting sewer that the line thereof passes between the intermittent red lines shown on a plan signed by Eric Leopold Hugo Cosby on behalf of Messrs. Kent Alfred Edward Usher on behalf of the Hemel Hempstead Corporation and Philip Elton Longmore on behalf of the county council:

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.

PART VII.

—cont.

(2) The Board may acquire and the Hemel Hempstead Corporation shall sell so much of the lands of the Hemel Hempstead Corporation shown on the said plan or such easements or rights therein as the Board may require and the provisions of this Act shall apply to the acquisition of such lands or easements or rights as if the said lands were wholly within the limits of deviation shown on the deposited plans.

PART VIII.

AMENDMENT OF HERTFORDSHIRE COUNTY COUNCIL
ACT 1935.

Extension of
section 14 of
Act of 1935.

108. Section 14 (Acquisition of land for preservation &c.) of the Act of 1935 as amended by this Act shall extend to enable the county council to alter adapt lay out and utilise for playing fields or recreation any land acquired by them under the said section and the county council may exercise with respect to such land all or any of their powers under section 69 of the Public Health Act 1925.

15 & 16
Geo. 5. c. 71.

Amendment
of section 39
of Act of
1935.

109.—(1) Where in exercise of the powers of section 39 (Betterment in respect of construction of sewers) of the Act of 1935 any local authority make a claim under subsection (1) or under subsection (8) of section 21 of the Town and Country Planning Act 1932 in respect of any undeveloped land there shall be included in the claim a description of such land and any such claim (including any claim which may be withdrawn by reason of a notice under the said subsection (1) requiring the responsible authority to defer the claim) shall be deemed to be a local land charge within the meaning of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 and the same shall be registered by the proper officer as a local land charge accordingly.

22 & 23
Geo. 5. c. 48.

15 & 16
Geo. 5. c. 22.
16 & 17
Geo. 5. c. 11.

(2) Any land specified in a claim made by the local authority as aforesaid (including any land in respect of which a claim may be withdrawn by reason of a notice under the said subsection (1)

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

of section 21 of the said Act of 1932 requiring the responsible authority to defer the claim) and all estates and interests from time to time therein shall stand and remain charged (to the like extent and effect as under section 291 of the Act of 1936) with the amount (if any) which may be recoverable by the local authority and as from the ascertainment of the said amount by agreement or by an official arbitrator under section 23 of the said Act of 1932 the local authority shall have all the same powers and remedies under the Law of Property Act 1925 as amended by the Law of Property (Amendment) Act 1926 and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

A.D. 1937.
—
PART VIII.
—cont.

15 & 16
Geo. 5. c. 20.

110. The provisions of Part V (Employment agencies) of the Act of 1935 shall not apply to a teacher official or manager of any educational establishment maintained or aided by the county council (whether provided by the county council or not) by reason only of any assistance rendered by him without reward in seeking or obtaining employment for pupils or former pupils of such establishment.

Further exemption from Part V of Act of 1935.

111. The licensee of any premises to which section 86 (Penalties under Part VI) of the Act of 1935 relates shall be liable to the like penalties as those to which the occupier of such premises is liable in respect of an offence under paragraph (b) of the said section.

Amendment of section 86 of Act of 1935.

112. The amendments specified in the second column of the Fourth Schedule to this Act shall be made in the provisions of the Act of 1935 specified in the first column of that schedule.

Minor amendments of Act of 1935.

113. With the consent of the county council any parish council and any parish meeting may subject to such conditions as the county council may impose exercise the powers of section 31 (Public seats in county roads) of the Act of 1935 and the county council may contribute to the expenses incurred by any parish council or parish meeting in exercising the powers of the said section.

Further powers as to public seats in county roads.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

PART VIII.

—*cont.*

As to prescribed date under certain sections of Act of 1935.

114. It is hereby declared that the prescribed dates for the purposes of section 65 (Date of commencement of Part V) and section 79 (Date of commencement of Part VI) of the Act of 1935 are respectively the first day of January and the first day of April nineteen hundred and thirty-six.

As to evidence of compliance with certain sections of Act of 1935.

115. As from the date of the passing of this Act no evidence shall be required that the provisions of the undermentioned sections of the Act of 1935 have been complied with (namely):—

Section 77 (Notice of Part V);

Section 88 (Notice of Part VI);

Section 100 (Notice of Part VII);

Section 104 (Notice of Part VIII);

Subsection (6) of section 128 (Regulation of manufacture and sale of ice-cream &c.).

As to appeals.

116.—(1) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under the Act of 1935 is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(2) Section 143 (As to appeals) of the Act of 1935 is hereby repealed.

PART IX.

MISCELLANEOUS.

Application of general enactments.

117. Subject to the provisions of this Act the Board shall have enjoy exercise perform and be subject to all the powers rights duties capacities liabilities and obligations of an urban district council under the enactments mentioned in the first column of the Fifth Schedule to this Act as if the said enactments formed part of this Act and as if sewers constructed by or vested in the Board were public sewers subject however to such modifications as are mentioned in the second column of that schedule and to such other modifications as shall be necessary to make them applicable to the Board and to the sewerage district.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

118.—(1) The Minister may on the application of the Board by Provisional Order alter amend or partially repeal any provisions of this Act other than section 45 (Discharge of effluent into river Colne) section 46 (Purity of effluent) and section 47 (Penalty for pollution) and any provisions comprised in Part VIII of this Act.

A.D. 1937.

PART IX.

—cont.

As to alteration or repeal of Act.

(2) The powers of this section shall not be exercised with respect to any provision of this Act for the protection or benefit of any person whether or not such person is specifically named in that provision except with the consent of that person.

119.—(1) In this section unless the context otherwise requires—

Existing officers.

“Local authority” means any constituent authority or as the case may require the county council of the administrative county of Hertford London or Middlesex or any visiting committee appointed by any such county council under the Lunacy and Mental Treatment Acts 1890 to 1930;

“Officer” includes a servant and any person whose salary or wages is paid by a local authority;

“The Act of 1922” means the Local Government and other Officers’ Superannuation Act 1922.

12 & 13

Geo. 5. c. 59.

(2) The Board and any officer employed by a local authority in connection with sewerage or sewage disposal may enter into and carry into effect an agreement (hereinafter referred to as “the transfer agreement”) for the transfer of such officer to the service of the Board on such date as may be agreed and any officer transferred to the service of the Board in pursuance of any such agreement is in this section referred to as a “transferred officer.”

(3) It shall be a term of every transfer agreement relating to an officer holding a post which immediately before the day on which he is transferred was a designated post under the Act of 1922 that the Board shall state therein their acceptance of an obligation to use their best endeavours to enter into an agreement

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937. under that Act which shall be applicable to the officer so transferred.

PART IX.

—cont.

(4) Unless and until the Board adopt the Act of 1922 or enter into an agreement under paragraph (b) of subsection (3) of section 5 of that Act every officer holding a post which immediately before the day on which he is transferred was a designated post under the Act of 1922 shall be deemed for the purposes of the said Act to continue to occupy the post occupied by him immediately before the date of transfer and the Act of 1922 shall continue to apply subject to the following provisions:—

(a) Any power discretion or consent which falls to be exercised or given in respect of the officer under the Act of 1922 shall be exercised or given by the Board;

(b) The Board shall deduct from the officer's salary or wages the contributions payable under section 15 of the Act of 1922 and shall from time to time pay the amounts so deducted and the sums required to be paid in respect of the officer under paragraphs (b) and (e) of subsection (1) of section 18 of the Act of 1922 to the superannuation fund of the local authority.

(5) Every transferred officer shall hold his office by the same tenure and upon the same terms and conditions as if this Act had not been passed and while performing similar duties shall receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if this Act had not been passed.

(6) If at any time within five years after the day on which he is transferred to the service of the Board any transferred officer is required by the Board to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform immediately before the day on which he is transferred he may relinquish his office.

(7) Every transferred officer who relinquishes his office under the power conferred by subsection (6) of this section and every transferred officer whose office

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

is abolished or whose appointment is terminated or whose salary is reduced within five years after the day on which he is transferred to the service of the Board because his services are not required or his duties are diminished and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Act and shall be entitled to compensation as if he were an officer to whom the provisions of subsection (9) of this section applied.

A.D. 1937.

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PART IX.
—cont.

(8) Where any transferred officer is immediately before the date on which he is transferred an officer to whom any provisions of the Asylum Officers' Superannuation Act 1909 or the Asylums and Certified Institutions (Officers' Pensions) Act 1918 apply such provisions shall continue to apply to such transferred officer and those Acts shall apply to the Board with respect to such officer.

9 Edw. 7.

c. 48.

8 & 9 Geo. 5.

c. 33.

(9) Every officer who was in the service of a local authority on the first day of January nineteen hundred and thirty-seven and who immediately before the date on which any sewage disposal works of such authority or any part thereof are closed down under the provisions of section 50 (As to duties of Board and of constituent authorities with regard to sewage disposal) of this Act is employed by such authority in connection with sewerage or sewage disposal and who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office by termination of his appointment or by diminution or loss of fees salary or emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall unless he has declined to enter into a transfer agreement under this section be entitled to compensation for that loss from the Board.

(10) The provisions set out in the Fourth Schedule to the Act of 1933 shall apply to the determination and payment of compensation to officers under this Act as if such provisions were re-enacted in and formed part of this Act and as if in the said schedule references to a local authority were references to the

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937. Board and references to a scheme or order were references to this Act and for the purposes of the application of the said schedule as aforesaid the expression "officer" has the meaning assigned to that expression by subsection (1) of this section and the expression "emoluments" has the same meaning as in the Act of 1933.

PART IX.
—cont.

(11) For the purposes of this section Francis Farquharson borough farm bailiff of the Watford Corporation shall (if he be such farm bailiff immediately before the sewage disposal works of the Watford Corporation or any part thereof are closed down) be deemed to be an officer who was in the service of a local authority on the first day of January one thousand nine hundred and thirty-seven and who immediately before the date on which the said sewage disposal works or any part thereof are closed down was employed by the Watford Corporation in connection with sewerage or sewage disposal and shall (notwithstanding anything contained in this section or in any enactment referred to therein) be entitled to be paid compensation under the provisions of this section if by virtue of this Act or of anything done in pursuance or in consequence thereof he suffers any direct pecuniary loss by abolition of office by termination of his appointment or by diminution or loss of fees salary or emoluments unless he has been offered by the Board a transfer agreement under the provisions of this section but on the basis that he is such an officer as aforesaid and unless he has declined to enter into such transfer agreement.

Inquiries
by Minister.

120. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him by or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Saving
Board from
pending
actions.

121. Nothing in this Act shall impose upon the Board any liability with respect to any action arbitration prosecution or proceeding or any cause of action arbitration prosecution or proceeding pending or existing by or against or in favour of a constituent authority at the appointed day.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

122. Where in any legal proceedings taken by or on behalf of or against the Board or any officer servant solicitor or agent of the Board or any committee of the Board under any Act or Order from time to time relating to the Board it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee of the Board or to prove any resolution order proceeding or minute of the Board or any resolution order minute or report of any committee of the Board a certificate of such appointment authority resolution order proceeding minute or report purporting to be authenticated by the signature of the clerk shall be prima facie evidence of such appointment authority resolution order minute or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

A.D. 1937.

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PART IX.

—cont.

Evidence of appointments authority &c.

123. Where under any Act or Order from time to time relating to the Board the Board or any constituent authority give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to breach of conditions of consent of Board and constituent authorities.

124. Where the payment of more than one sum by any person is due under any Act or Order from time to time relating to the Board any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Contents of summons &c.

125. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing

Arbitration.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937. to the other or others of them) and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the reference.

PART IX.
—cont.

Recovery of penalties &c.

126. Save as otherwise by any such Act expressly provided all offences against this or any other Act for the time being relating to the Board and all penalties forfeitures costs and expenses imposed or recoverable under any such Act may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Saving for ancient monuments.

21 & 22
Geo. 5. c. 16.

127. Nothing in this Act authorises the Board to execute or permit to be executed any work for the purpose of demolishing removing or repairing any part of any ancient monuments as defined by the Ancient Monuments Act 1931 without the previous consent in writing of the Commissioners of Works which consent shall not be unreasonably withheld and may be given on such terms as to supervision of the work and as to the disposal of objects of historical architectural traditional artistic or archæological interest as the Commissioners of Works may think fit.

Crown rights.

128. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose.

Costs of Act.

129. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of 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 in the first instance be borne by the county council and the Board shall pay to the county council such costs charges and expenses (except so far as applicable to Part VIII of this Act).

The SCHEDULES referred to in the
foregoing Act.

A.D. 1937.

FIRST SCHEDULE.

AREAS COMPRISING THE SEWERAGE DISTRICT.

County of Hertford—

The city of St. Alban.

The boroughs of Hemel Hempstead and Watford.

The urban districts of Bushey Chorleywood and
Rickmansworth.

The rural district of Barnet (except the parish of Ridge).

The rural district of Watford (except the parish of Sarratt).

In the rural district of Hatfield—

The parish of North Mimms.

In the rural district of Hemel Hempstead—

The parish of King's Langley.

In the rural district of Saint Albans—

The parishes of Redbourn.

Sandridge Rural.

Saint Michael Rural.

Saint Peter Rural.

Saint Stephen.

County of Middlesex—

The urban district of Potters Bar.

A.D. 1937.

SECOND SCHEDULE.

PROVISIONS AS TO MEMBERS AND PROCEEDINGS
OF BOARD.

1. The first members of the Board shall hold office until the first day of April nineteen hundred and forty-one. Any members of the Board other than the first members thereof and members appointed to fill a casual vacancy shall come into office on the first day of April next after the day on which they are appointed and shall hold office for a term of three years :

Provided that if any appointing authority fail to appoint members or a member of the Board at the proper time for their appointment the then existing members or member (if any) of the Board representing such authority and qualified to be members or a member of the Board shall continue in office till their or his successors or successor are or is appointed and the appointment has been certified by the clerk.

2. If for any reason the place of a member of the Board becomes vacant before the end of his term of office the vacancy shall be filled by the appointment of a new member by the appointing authority by whom the vacating member was appointed but a person appointed to fill a casual vacancy shall hold office so long only as the vacating member would have held office :

Provided that where the unexpired portion of the term of office of the vacating member is less than six months the vacancy need not be filled.

3. A vacating member shall subject to the provisions of this schedule be eligible for re-appointment.

4. The proceedings of the Board shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualification of any member of the Board.

5. The meetings of the Board shall be convened by the clerk of the county council until the Board have appointed a clerk and afterwards by the clerk and every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence or place of business two clear days at least before the day of the meeting.

6. The Board shall hold their first meeting during the month of October nineteen hundred and thirty-seven or such later date as the Minister may allow at such place and on such

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

day and at such time as the clerk of the county council shall determine and subsequent meetings of the Board shall be held at such places on such days and at such times as the Board may from time to time appoint :

A.D. 1937.

—
2ND SCH.
—cont.

Provided that the annual meeting of the Board shall be held as soon as conveniently may be after the sixteenth day of April in every year and that at least three other meetings of the Board shall be held in every year.

7.—(1) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint a chairman and a vice-chairman for the ensuing year.

(2) A chairman or vice-chairman may if otherwise qualified be re-appointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified for membership of the Board before the appointment of his successor.

(3) On any casual vacancy occurring in the office of chairman or vice-chairman another person shall be appointed in his place to hold office until the time when the person in whose place he is appointed would have gone out of office in the ordinary course.

8. The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

9. To constitute a meeting of the Board there must be present not less than one-third of the number for the time being of members of the Board.

10.—(1) At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member of the Board chosen by the members present shall preside.

(2) The names of the members present at a meeting of the Board shall be recorded.

(3) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote :

Provided that if at any meeting neither the chairman nor vice-chairman shall be present and there be any equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.
—
2ND SCH.
—cont.

11. Copies of the minutes of the proceedings of every meeting of the Board shall after each meeting be sent by the clerk to the clerk of each appointing authority for the information of that authority.

12. The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of levying or issuing a precept for a rate or of borrowing money) to any committee of the Board so appointed.

13. The Board may defray any expenses necessarily incurred by members of the Board or of any committee thereof in attending meetings of the Board or any committee of the Board or in travelling by direction of the Board or of any such committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the Board or such committee.

14. The following provisions of the Act of 1933 shall extend and apply to the Board and the members thereof as if the Board were a local authority within the meaning of that Act but subject to the following modifications and with such other modifications as may be necessary to make such provisions applicable to the Board:—

Provision of Act of 1933.	Modification.
Section 59 (Disqualifications for office as member of local authority).	
Section 60 (Validity of acts done by unqualified person).	
Section 62 (Resignation) - - -	Notice to be delivered to the clerk.
Section 63 (Vacation of office by failure to attend meetings &c.).	
Section 64 (Declaration by local authority of vacancy in office in certain cases).	The notice to be sent by the clerk to the clerks of appointing authorities and not to be affixed to Board's offices.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

Provision of Act of 1933.	Modification.	A.D. 1937.
Section 65 (Date of casual vacancies).		2ND SCH.
Section 76 (Disability of members of authorities for voting on account of interest in contracts &c.).		—cont.
Section 84 (Proceedings in respect of qualifications).	Proceedings only to be instituted by some person duly authorised in that behalf by an appointing authority or by the Board.	
Section 96 (Standing Orders &c.).		
Third Schedule Part III paragraph 5.		
Third Schedule Part V paragraph 3.		
Third Schedule Part V paragraph 4.		

THIRD SCHEDULE.

PART I.—SEWAGE DISPOSAL WORKS.

Constituent authority.	Situation of works.
County of Hertford—	
1. St. Albans Corporation.	Park Street.
2. Hemel Hempstead Corporation.	Bennett's End.
3. Watford Corporation.	(1) Cassio Bridge Farm. (2) Holywell Farm. (3) Cardiff Road.
4. Bushey Urban District Council.	Near Oxhey Hall.
5. Rickmansworth Urban District Council.	Near Woodcock Hill.
6. Barnet Rural District Council.	(1) Near Tilehouse Farm Borehamwood. (2) Near South Medburn Farm Borehamwood. (3) Near Catherinebourne Farm Shenley. (4) Bell Lane London Colney. (5) Near Aldenham Reservoir Elstree.

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.	Constituent authority.	Situation of works.
3RD SCH. —cont.	County of Hertford— <i>cont.</i>	
	7. Watford Rural District Council.	(1) Near Hill Farm Radlett. (2) Near Tanners Wood Abbots Langley. (3) Sandy Lane Letchmore Heath. (4) Aldenham.
	8. Hatfield Rural District Council.	(1) Welham Green. (2) Little Heath. (3) Gobion's Wood Brookmans Park.
	9. Hemel Hempstead Rural District Council.	(1) Near Homepark Mills King's Langley. (2) Near Nash Mills King's Langley.
	10. St. Albans Rural District Council.	London Colney.
	County of Middlesex—	
	11. Potters Bar Urban District Council.	(1) South Mimms. (2) Near Warrengate Farm.

PART II.—PUMPING STATIONS (INCLUDING RISING MAINS).

Constituent authority.	Situation of works.
County of Hertford—	
1. Hemel Hempstead Corporation.	Frogmore End.
2. Watford Corporation.	(1) Whippendell Road Cassio Bridge. (2) Cassio Bridge Farm. (3) Willow Lane. (4) West of Electricity Works Cardiff Road. (5) East of Electricity Works Cardiff Road (three stations).
3. Bushey Urban District Council.	Bushey Hall Road.
4. Rickmansworth Urban District Council.	Batchworth.
5. Barnet Rural District Council.	Near Theobaldstreet Farm Borehamwood.

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

Constituent authority.	Situation of works.	A.D. 1937.
County of Hertford— <i>cont.</i>		
6. Watford Rural District Council.	(1) Near Hunton Bridge. (2) Near Ridgehurst Abbots Langley. (3) Near Radlett Railway Station. (4) Hampermill Lane Oxhey. (5) Oakridge Avenue Radlett.	. 3RD SCH. — <i>cont.</i>
7. Hatfield Rural District Council.	Warrengate Road Water End.	
8. Hemel Hempstead Rural District Council.	Church Lane King's Langley.	
County of Middlesex—		
9. Potters Bar Urban District Council.	Warrengate Road.	

FOURTH SCHEDULE.

AMENDMENTS OF THE HERTFORDSHIRE COUNTY COUNCIL ACT 1935.

Provisions to be amended.	Amendment.
Section 6 (Purchase of land for exchange).	The words "and date of operation" shall be omitted.
Section 12 (Acquisition of land for county roads amenities &c.).	In subsection (2) the words "and date of operation" shall be omitted.
Section 14 (Acquisition of land for preservation &c.).	In subsection (2) the words "and date of operation" shall be omitted. In subsection (2) after the word "Council" there shall be inserted the words "in their opinion." In subsection (3) the words "may hold" shall be substituted for the words "to hold" and after the words "local authority" where they first occur

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.)* [1 EDW. 8. & 1 GEO. 6.]
Act, 1937.

A.D. 1937.	Provisions to be amended.	Amendment.
4TH SCH. —cont.	Section 14— <i>cont.</i>	there shall be inserted the words “ (including for the “purposes of this sub- “section a parish council) ” and after the words “ open space ” where they last occur there shall be inserted the words “ playing field.”
	Section 16 (Prohibition of vehicles on grass verges &c.).	In subsection (4) after the words “ local authority ” there shall be inserted the words “ (including for the “ purposes of this subsec- “ tion a parish council).”
	Section 28 (For protection of Finsbury and Islington Borough Councils and Inns and Company Limited).	In subparagraph (1) the word “ Wheathampstead ” shall be substituted for the word “ Sandridge.”
	Section 115 (Power to borrow).	At beginning of paragraph (c) of subsection (1) insert “ without the consent of “ any sanctioning autho- “ rity.”
	Section 139 (Evidence of appointments authority &c.).	After the word “ resolu- tion ” wherever it occurs there shall be inserted the words “ proceeding minute.”
	Section 151 (Authentication and service of notices &c.).	In subsection (2) after the word “ document ” there shall be inserted the words “ (except where ad- “ dressed to the ‘ owner.’ “ or ‘ occupier ’ as pro- “ vided by subsection (3) “ of this section).”

FIFTH SCHEDULE.

A.D. 1937.

APPLICATION OF GENERAL ENACTMENTS.

Enactment conferring powers.

Modification.

Public Health Act 1875—

Section 153 (Power to require gas and water pipes to be moved).

Not to apply to the authorised works under this Act.

Section 265 (Protection of local authority and their officers from personal liability).

Public Health Act 1875 (Support of Sewers) Amendment Act 1883—
The whole Act.

The Act of 1933—

Section 115 (Appointment of standing deputies).

Section 116 (Appointment of temporary deputies).

Section 119 (Security to be given by officers).

Not to apply unless the Minister otherwise directs to any joint stock bank appointed treasurer of the Board.

Section 120 (Accountability of officers).

Section 121 (Notice of termination of and retirement from appointments held during pleasure).

Section 123 (Disclosure by officers of interest in contracts).

Section 160 (Compulsory purchase of land by means of a provisional order).

Section 164 (Power to let land).

Section 165 (Power to sell or exchange land).

Section 166 (Application of capital money).

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.	Enactment conferring powers.	Modification.
5TH SCH. —cont.	<p>The Act of 1933—<i>cont.</i></p> <p>Part IX—Borrowing.</p> <p>Part X—Accounts and audit.</p> <p>Part XI—Local financial returns.</p> <p>Section 253 (Power to promote or oppose local or personal Bills).</p> <p>Section 254 (Sanction of local authority to promotion of or opposition to Bills).</p> <p>Section 256 (Expenses of local authorities under Part XIII to be taxed &c.).</p> <p>Section 266 (Contracts of local authorities).</p> <p>Section 267 (Conferences of local authorities).</p> <p>Section 276 (Power of local authorities to prosecute or defend legal proceedings).</p> <p>Section 277 (Appearance of local authorities in legal proceedings).</p> <p>Section 278 (Name of local authority need not be proved).</p> <p>Section 285 (Procedure on making provisional orders).</p> <p>Section 286 (Service of notices on local authorities &c.).</p> <p>Section 287 (Public notices).</p> <p>Section 288 (Notices on offices &c.).</p> <p>Section 289 (Penalty for destroying notices &c.).</p> <p>The Act of 1936—</p> <p>Section 15 (Provision of public sewers and sewage disposal works).</p> <p>Section 16 (Notices to be given before constructing public sewers or sewage disposal works outside district).</p>	<p>As if “the Board or “of any appointing “authority” were substituted for “the authority” in subsection (2).</p> <p>Not to apply to the authorised works under this Act.</p>

[1 EDW. 8. & Hertfordshire County [Ch. lxxxix.]
1 GEO. 6.] Council (Colne Valley Sewerage &c.)
Act, 1937.

Enactment conferring powers.	Modification.	A.D. 1937.
The Act of 1936— <i>cont.</i>		
<p>Section 17 (Adoption by local authority of sewers and sewage disposal works).</p> <p>Section 18 (Power of local authority to agree to adopt sewer or drain or sewage disposal works at future date).</p>	} So far as they relate to sewage disposal works.	5TH SCH. — <i>cont.</i>
<p>Section 22 (Power of local authority to alter or close public sewers).</p>	<p>Not to be exercised in derogation of the provisions of section 66 (Agreements for transfer of sewers &c. to Board) of this Act.</p>	
<p>Section 29 (Powers of local authority as respects land held for treating sewage).</p>	<p>Not to apply to lands referred to in section 31 (Lands for sewage disposal works) of this Act.</p>	
<p>Section 30 (Sewage &c. to be purified before discharge into streams canals &c.).</p>		
<p>Section 31 (Local authority not to create any nuisance).</p>		
<p>Section 33 (Application of 27 & 28 Vict. c. 114 to works for supply of sewage).</p>		
<p>Section 278 (Compensation to individuals for damage resulting from exercise of powers under Act).</p>	<p>Not to apply in cases where the Lands Clauses Acts apply Arbitrations to be under section 125 (Arbitration) of this Act.</p>	
<p>Section 284 (Authentication of documents).</p>		

[Ch. lxxxix.] *Hertfordshire County Council (Colne Valley Sewerage &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

Enactment conferring powers.

Modification.

5TH SCH.
—cont.

The Act of 1936—*cont.*

Section 285 (Service of notices &c.).

Section 288 (Penalty for obstructing execution of Act).

Section 289 (Power to require occupier to permit works to be executed by owner).

Section 298 (Restriction on right to prosecute).

Section 304 (Judges and justices not to be disqualified by liability to rates).

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