



## CHAPTER 1v.

An Act to empower the Fylde Water Board to enlarge their Stocks reservoir and to alter certain other works in connection with their water undertaking to purchase lands for the protection from pollution of the water supplied by the Board and for other purposes.

A.D. 1925.

[31st July 1925.]

**W**HEREAS by the Fylde Waterworks (Transfer) Act 1897 the Fylde Water Board (in this Act called "the Board") were constituted and incorporated and were empowered to supply and are supplying water within the boroughs of Blackpool and Lytham Saint Annes and the urban district of Fleetwood and other places all in the county palatine of Lancaster:

And whereas by the Fylde Water Board Act 1912 (in this Act called "the Act of 1912") the Board were authorised to construct three reservoirs and other works and to take water from the River Hodder and its tributaries:

And whereas the Board have been prevented by reason of circumstances arising out of the war and other exceptional causes from constructing the said three reservoirs and there is an immediate need of increased supplies of water within the water limits of the Board:

And whereas it is expedient that instead of constructing the three reservoirs authorised by the Act of

A.D. 1925. 1912 the Board should be empowered to enlarge the Stocks reservoir authorised by that Act as in this Act provided and it is expedient that the Board should be authorised to take a greater quantity of water from the River Hodder during the construction of the enlarged Stocks reservoir than they are authorised to do by the Act of 1912 during the construction of the three reservoirs authorised by that Act :

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

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

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

	£
(a) For the purchase of land for and in connection with the works authorised by this Act and the water undertaking of the Board the enlargement of the reservoir and the road diversions authorised by this Act -	89,907
(b) For the construction of the aqueduct diversions authorised by this Act for the provision and laying of further mains and for the construction of high level and other mains authorised by the Fylde Water Board Act 1910 -	137,257

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

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

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PRELIMINARY.

1. This Act may be cited as the Fylde Water Board Act 1925. Short title.

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

(1) The Lands Clauses Acts with the following exception and modification—

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

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

(2) The Waterworks Clauses Act 1847 except—

(a) the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44;

(b) sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83 (with respect to the yearly receipt and expenditure of the undertakers):

(3) The Waterworks Clauses Act 1863:

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof And in such provisions for the purposes of this Act "the

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railway” means the waterworks by this Act authorised and “the centre of the railway” means the boundaries of the reservoir and the centres of the aqueduct diversions respectively.

Interpreta-  
tion.

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

“The Board” means the Fylde Water Board;

“The clerk” means the clerk to the Board;

“The Act of 1897” “the Act of 1899” “the Act of 1910” “the Act of 1912” and “the Act of 1919” mean respectively the Fylde Waterworks (Transfer) Act 1897 the Fylde Water Board Act 1899 the Fylde Water Board Act 1910 the Fylde Water Board Act 1912 and the Fylde Water Board Act 1919;

“The Ribble Fishery Board” means the board of conservators of the Ribble Fishery District;

“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;

“Statutory borrowing power” and “statutory security” have the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1910;

“The constituent authorities” means the constituent authorities defined by the Act of 1897;

“The revenues of the Board” includes the revenues of the Board from time to time arising from their undertaking or from any land or other property for the time being belonging to the Board and the money receivable by them from the constituent authorities and all rates and money which the Board are authorised to levy and collect within the districts of the constituent authorities.

LANDS.

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4. Subject to the provisions of this Act the Board may for the purposes of this Act and of their water undertaking enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference. Acquisition of lands.

5.—(1) The Board may in lieu of acquiring any lands for the purposes of the works authorised by this Act (including the subsidiary works and conveniences authorised by subsection (2) of the section of this Act whereof the marginal note is "Power to make works") acquire such easements only 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 conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts and of the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. Acquisition of easements.

(2) As regards any lands in respect of which the Board have acquired easements 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 the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

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

(4) Every notice to treat for the acquisition of an easement shall either contain or be endorsed with notice of this provision.

6. 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 Compensation in case of recently acquired interest.



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alteration or building made or for or in respect of any interest in the land created after the fourteenth day of November nineteen hundred and twenty-four if in the opinion of the 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.

Period for compulsory purchase of lands.

7. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

Extinction of private rights of way.

8. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by or vested in the Board shall as from the date of such acquisition or vesting be extinguished. Provided that the Board shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 with reference to the taking of lands otherwise than by agreement.

Purchase of additional lands by agreement.

9.—(1) Subject to the provisions of this Act the Board in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of their water undertaking but the quantity of lands held by the Board in pursuance of this section (exclusive of lands held for the purpose of protecting their waters and waterworks against pollution fouling contamination or injury) shall not at any time (except with the consent of the Minister of Health) exceed fifty acres and the Board may on all or any of such additional lands execute for the purposes of or in connection with their waterworks any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

(2) Provided that the Board shall not create or permit the creation or continuance of any nuisance on

any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with their water undertaking. A.D. 1925.

10. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Board may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effecting any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Power to retain sell &c. lands.

11. The following sections of the Act of 1912 are incorporated with this Act and shall extend and apply with regard to the works and lands authorised to be executed and taken under the provisions of this Act as if those sections with the necessary modifications were set forth in this Act (namely):— Incorporation of certain provisions of Act of 1912.

Section 15 (Accommodation for workmen employed on construction of reservoirs) Provided that for the purposes of this Act subsection (8) of the said section 15 shall be read and have effect as if the words "five guineas" were substituted for the words "three guineas" therein;

Section 48 (Persons under disability may grant easements &c.);

Section 50 (Application of moneys arising from sale of lands);

Section 52 (Power to lay down sewers and drains in drainage areas);

Section 55 (Power to hold lands for protection of waterworks).

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For protec-  
tion of  
Bishop of  
Bradford  
and patron  
vicar and  
church-  
wardens of  
church of  
Dalehead  
and others.

12. Notwithstanding anything to the contrary contained in this Act the following provisions shall unless otherwise agreed in writing between the owners as hereinafter defined and the Board apply and have effect for the benefit and protection of the lord bishop for the time being of the diocese of Bradford or other the bishop for the time being of the diocese wherein the parish of Dalehead is or may be situate and during a vacancy of the bishopric of any such diocese the person for the time being who shall have the custody and be guardian of the spiritualities of any such diocese hereinafter referred to as "the said bishop" and the patron vicar and churchwardens for the time being of the parish church of Dalehead in the west riding of the county of York their respective successors and assigns and other the owner or owners or other persons interested in the benefice or advowson of the said parish church and the said church and the vicarage school schoolmaster's house and other buildings and premises numbered 16 to 21 (inclusive) on the deposited plans for the township of Easington (all of whom are included in the expression "the owners" where used in this section) (that is to say):—

(1) Within six months from the passing of this Act the Board shall—

(a) at their own expense in all things—

(i) provide and convey or cause to be conveyed to the said vicar and his successors for the time being incumbents of the benefice of St. James otherwise the parish church of Dalehead aforesaid a plot of land of an area of not less than one acre in extent in the situation shown on the plan signed in quadruplicate by the Right Honourable James Fitzalan Hope the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Parliament Office of the House of Lords and one copy has been deposited in the Private Bill Office of the House of Commons (hereinafter in this section referred to as "the signed plan");



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(ii) surround the said plot of land with substantial stone walls and gates of such height pattern and material as the said bishop may reasonably approve and shall lay out prepare level and drain the same to the like approval in order that the same may be used as a burial ground for the said parish in substitution for the existing burial ground;

(iii) erect upon such part of the said plot of land as the said bishop may select a mortuary chapel and hearse house of such size design and material as the said bishop may reasonably require;

(b) bear and pay to the said vicar and churchwardens for the time being all the costs charges and expenses of and attendant on the consecration of the said plot of land as a burial ground as aforesaid :

(2) On the completion of the conveyance of the said plot of land to the said vicar and his successors and on carrying out the conditions contained in subsection (1) of this section and upon such consecration as aforesaid the said plot of land shall vest in the said vicar and his successors under the like conditions as the said existing burial ground and shall be held by them for a burial ground for the said parish :

(3) When and as soon as the said plot of land shall have vested in the said vicar and his successors as aforesaid the Board shall in accordance with the provisions of section 44 (Removal of human remains) of the Act of 1912 as amended by this Act remove or cause to be removed the remains of all deceased persons interred in the said existing burial ground and shall thereafter level and reinstate the said existing burial ground and make good any drains interfered with to the reasonable satisfaction of the said vicar and churchwardens for the time being and the said existing burial ground shall not thereafter be used for burials but the same shall remain and continue vested in the said vicar and his successors until such time as the said

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church shall be acquired by the Board as hereinafter in this section provided. During such time as the said existing burial ground shall remain so vested in the said vicar and his successors the same shall not be used by him or them or by anyone authorised by him or them except as an open space or as a means of access to the church. But the Board shall nevertheless have the right to execute in or through the same any road or other authorised works in connection with their water undertaking and shall fence off the remainder of the said existing burial ground which will form the churchyard from such road or other works and make good the access to the church to the reasonable satisfaction of the said vicar and churchwardens. If and when the said church be acquired as aforesaid then the existing burial ground shall be vested in and become the property of the Board without further payment or consideration therefor the owners and all other necessary parties at the expense of the Board executing all necessary conveyances in connection therewith. Provided that in applying the provisions of the said section 44 as so amended for the purposes of this Act—

(a) the sum of ten pounds mentioned in subsection (4) thereof shall be read as fifteen pounds; and

(b) the Board shall cause a record to be made of all monuments and tombstones in the churchyard and their respective situations when re-erected as separate entries and deposit copies of such record at the General Register Office Somerset House London and at the Bradford Diocesan Registry :

Provided further that the Board shall be entitled to postpone the erection of the said mortuary chapel and hearse house until the Board shall have received notice from the said bishop and the said patron as hereinafter mentioned that the existing church is no longer required and in the event of the Board providing another church in the parish of Dalehead in

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accordance with the provisions hereinafter contained the Board shall not be required to erect the said mortuary chapel but the Board shall erect on the said plot of land provided as a new burial ground a temporary building to be used during the period of such postponement for the conduct of the burial service or in the alternative proceed to erect and complete on such plot of land a permanent mortuary chapel which can be adapted to form part of the church in case a church be subsequently erected there such temporary building or permanent chapel and the situation thereof to be subject to the reasonable approval of the said bishop and to be erected and completed ready for use by the date when the new burial ground is consecrated the cost of obtaining such approval and of consecrating and licensing any permanent or temporary church or chapel to be borne and paid by the Board. In the event of it being ultimately decided that the existing church need not be acquired by the Board then immediately on receiving from the said bishop and the said patron on behalf of all parties concerned notice to that effect the permanent mortuary chapel and hearse house shall be erected by the Board as hereinbefore provided :

- (4) Until such time as hereinafter provided the said parish church vicarage school schoolmaster's house and other buildings and premises shall not be interfered with by the Board but shall remain and continue to be used in all respects for the purposes for which they have hitherto been used. Provided that the Board shall be at liberty at any time and they are hereby empowered at their own expense to execute carry out complete and maintain to the reasonable satisfaction of the owners (such approval to be obtained by and at the expense of the Board) any necessary works for the purpose of dealing with the sewerage and drainage of the said properties in order to prevent pollution arising therefrom to the water which the Board are authorised to collect and impound under

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this Act Such works shall be executed and maintained so as not to create a nuisance or annoyance to those occupying attending at or resorting to any of the said properties or to interfere with the amenities thereof the Board doing as little damage as may be and making compensation for any such damage or inconvenience as may arise in consequence of such works After the passing of this Act no additional bath or watercloset shall be fitted in or constructed upon any of the said properties Provided that in the case of the school if the education or sanitary authorities require the provision of any additional sanitary conveniences in or at the said school and shall serve any notice or make any order in respect thereof upon the school managers and/or any other the parties interested therein the said school managers and/or other parties shall immediately forward a copy of any such notice or order to the Board in order that the Board may have an opportunity of consulting the education authorities and/or sanitary authorities thereon Provided also that if at any time after the service of any such notice or order as aforesaid and notwithstanding the representations of the Board (if any) the educational authorities and/or sanitary authorities shall insist upon any such notice or order being immediately complied with the said school managers and/or other parties may comply therewith :

- (5) If at any time it shall appear to the Board to be necessary for the purposes of the enlarged Stocks reservoir to close or remove the said church vicarage school schoolmaster's house and other buildings and premises they shall give two years' previous notice in writing thereof to the said bishop and the said patron on behalf of all parties concerned but such notice shall be given not earlier than the thirty-first day of January nineteen hundred and twenty-eight and not later than the thirty-first day of January nineteen hundred and thirty-one Upon the expiration of the said notice the Board shall be

entitled to remove the said buildings comprised in the notice subject to the conditions hereinafter in this section contained :

(6) (i) Within three months after the receipt of any such notice the said bishop and the said patron on behalf of all parties concerned shall be entitled to give notice to the Board requiring them either—

(a) to erect on the site or sites delineated upon the signed plan in substitution for the existing buildings and to the reasonable satisfaction of the said bishop and the said patron (such approval to be obtained by and at the expense of the Board) a new (i) church (ii) vicarage (iii) school (iv) schoolmaster's house and (v) hearse house or any one or more of them with all necessary outbuildings and conveniences annexed thereto in all respects equal (if so required by the said bishop and the said patron) in material quality decoration workmanship dimensions and capacity to (but not of greater dimensions or capacity than) those of the existing buildings for which they are to be substituted; or

(b) to purchase from the owners the existing church vicarage school schoolmaster's house hearse house and outbuildings and premises or such one or more of them or such part or parts thereof as are not the subject of a requirement of a notice under paragraph (a) hereof and the lands held in connection therewith except the said existing burial ground;

(ii) In the event of the Board being required under paragraph (a) hereof to erect the said buildings or any one or more of them the Board shall proceed with all due diligence to comply with the requirement of the notice received by them and as soon as the new church vicarage school schoolmaster's house outbuildings and premises or such one or more of them or such part or parts thereof as the Board have been required to erect under the said notice have been completed ready for



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use and occupation to the reasonable satisfaction of the owners and conveyed to the owners or otherwise vested in them according to their respective interests and the new church if such is required to be erected duly consecrated the Board shall be entitled to close demolish and remove all or any of the said existing buildings so far as they have been rendered unnecessary by the new buildings erected in substitution therefor under paragraph (a) hereof and to take possession of the site or sites thereof without further payment or consideration therefor and such site or sites shall thereupon become the property of the Board the owners at the expense of the Board executing all necessary conveyances in connection therewith;

(iii) In the event of the Board being required under paragraph (b) hereof to purchase the existing buildings therein referred to or any one or more of them or any part or parts thereof and the lands held in connection therewith or in the event of no such notice as aforesaid being given by the said bishop and the said patron within the aforesaid period of three months the Board shall immediately on the expiration of the two years' notice given by the Board complete the purchase of the existing buildings which the Board shall have been required to purchase as aforesaid and the lands held in connection therewith (except as aforesaid) or if no such notice as aforesaid shall have been given by the said bishop and the said patron within the said period of three months of all the said existing buildings referred to in paragraph (b) hereof and the lands held in connection therewith (except as aforesaid) the price or prices to be paid therefor to be such as may be agreed between the parties or failing agreement as shall be settled in manner provided by the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 for the purchase of lands otherwise

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than by agreement and in determining such price the tribunal to whom the matter may be referred shall have regard to the value of the said properties to the owners thereof at the date of the said notice by the Board and the purposes for which the same are then used but the fact that such properties are not to be further used and the buildings are to be demolished shall not be taken into account in determining such price. In the case of the school premises the purchase money shall be paid to the owners thereof and in the other cases to the Ecclesiastical Commissioners. The Ecclesiastical Commissioners shall hold use or apply the purchase money paid to them as aforesaid for such purposes as after consultation with the said patron the said bishop with the concurrence of the Ecclesiastical Commissioners shall determine for the benefit of any parish or parishes benefice or benefices within the diocese of Bradford or other the diocese in which the parish of Dalehead shall at the time of the purchase be situated in such manner as the Ecclesiastical Commissioners with the approval of the said bishop and after consultation with the said patron may decide :

- (7) In the event of the Board being required under paragraph (i) (a) of the immediately preceding subsection to erect the substituted buildings therein referred to or any of them the following provisions shall apply :—

(i) The substituted buildings shall be in all respects constructed and completed with due diligence according to specifications and plans and in situations previously submitted to and reasonably approved by the said bishop and the said patron or their surveyors respectively such approvals to be obtained at the expense of the Board ;

(ii) There shall be provided and maintained at the expense of the Board an adequate supply of suitable water for the substituted buildings and such buildings shall be properly drained by the Board and so as not to create

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a nuisance or annoyance The supply of water to the school and schoolmaster's house shall be paid for at the Board's present charge if demanded;

(iii) The site to be provided for and in connection with the new vicarage shall be not less than one acre and a half and shall be conveyed to the Ecclesiastical Commissioners or as they shall direct at the expense of the Board;

(iv) The site to be provided for the new school schoolmaster's house covered playground outbuildings playground and garden shall not be less than half an acre and shall be conveyed to the owners of the existing school premises at the expense of the Board;

(v) All sites shall be surrounded with suitable stone walls and provided with entrance gates to the reasonable satisfaction of the owners;

(vi) The Board shall transfer from the present church the bells font stained glass windows tablets brasses ornaments furniture fixtures and fittings to the substituted church but if a new church be not erected the same shall be delivered to the said bishop or as he shall direct:

- (8) If within the said period of three months mentioned in subsection (6) hereof the said bishop and the said patron on behalf of all parties interested shall give notice to the Board that it is deemed necessary by such parties in the spiritual and educational interests of the inhabitants of Dalehead that the work heretofore associated with and carried on in or in connection with the church vicarage school and schoolmaster's house or any one or more of them should be continued in the said parish without interruption the Board in lieu of using new materials in the erection of the substituted buildings as hereinbefore mentioned and afterwards demolishing the existing buildings and selling the old materials

thereof may first demolish the existing buildings and use the materials thereof so far as they may be good and serviceable in the erection of the substituted buildings In that event the Board shall at their own expense provide with all due diligence and before interfering with the existing buildings to the reasonable satisfaction of the said bishop and the said patron and other parties interested suitable temporary premises for the conduct of divine service and for the purpose of a day and Sunday school The Board shall also at the same time and before interfering with the existing vicarage and/or schoolmaster's house at the like expense provide suitable temporary accommodation for the vicar and/or schoolmaster to the like satisfaction until their respective substituted residences shall be completed fit for occupation and the expenses of removal of the said vicar and/or schoolmaster to and from such substituted residences (both temporary and permanent) shall be borne and paid by the Board :

- (9) The provisions of the section of this Act of which the marginal note is "Compensation in case of recently acquired interest" shall not apply to the recent interest of the new incumbent of Dalehead parish church :
- (10) All legal and other expenses of the owners and all other necessary parties of and incidental to the conveyances of any lands and premises by the Board or from the owners to the Board under the provisions of this section shall be borne and paid by the Board and all lands to be conveyed by the Board shall be conveyed in fee simple free from any right of way or other easement and from all land tax tithes tithe rentcharge or other liability or incumbrance :
- (11) Any difference which may arise under this section between the Board and the owners or any one or more of them respectively shall be determined by an arbitrator to be agreed upon between the parties or failing agreement to be appointed on the application of either

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party by the President of the Surveyors Institution and the provisions of the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 shall apply to any such arbitration.

Amend-  
ment of  
section 44  
of Act of  
1912.

**13.** Section 44 (Removal of human remains) of the Act of 1912 shall be read and have effect as follows:—

(1) As if the following provision were inserted before subsection (1) of the section—

If and when the Board shall acquire the burial ground of the church of St. James otherwise the parish church of Dalehead in the west riding of the county of York they shall before applying or using any part thereof for any of the purposes of the Board remove or cause to be removed the remains of all deceased persons interred in the said burial ground:

(2) As if the word "Bradford" were inserted in lieu of the word "Ripon" wherever it occurs in the said section:

(3) As if the word "fifteen" were inserted instead of the word "ten" in subsection\*(4) of the said section:

(4) As if the following words were added at the end of subsection (6) of the said section—

And the Board shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

#### WORKS.

Power to  
make works.

**14.**—(1) Subject to the provisions of this Act the Board may make and maintain in the lines and situations 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 :— A.D. 1925.

Work No. 1 An enlargement of the Stocks reservoir authorised by the Act of 1912 in the townships of Bowland Forest (High) Easington and Slaidburn in the Bowland Rural District in the west riding of the county of York to be formed by raising and extending the authorised embankment or dam of the said Stocks reservoir across the River Hodder;

Work No. 2 A raising and extension of the road diversion Work No. 17 authorised by the Act of 1912 in the said townships of Bowland Forest (High) and Easington in the said county;

Work No. 3 A raising and extension of the road diversion Work No. 18 authorised by the Act of 1912 in the said township of Easington in the said county;

Work No. 4 A diversion of the aqueduct authorised by the Fylde Water Act 1896 where such aqueduct crosses the Lancaster Canal in the township of Nateby in the county palatine of Lancaster;

Work No. 5 A diversion of the said aqueduct where it crosses the River Wyre in the townships of Barnacre-with-Bonds and Garstang in the county palatine of Lancaster.

(2) In addition to the works hereinbefore described the Board may upon any lands for the time being belonging to them or over which they have or obtain easements make and maintain all such buildings machinery roads tramroads works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the Board's water-works or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this subsection shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

**15.**—(1) In the construction of the works authorised by this Act the Board may deviate laterally to any Limits of deviation.

A.D. 1925. extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections not exceeding ten feet upwards and to any extent downwards.

(2) Provided that—

(a) the Board shall not construct any embankment or dam of the enlarged Stocks reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or dam and five feet in addition;

(b) except for the purpose of crossing over a stream or railway no part of the aqueducts or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

For protection of London Midland and Scottish Railway Company.

16. The provisions of section 7 (For protection of London and North Western Railway Company) of the Act of 1912 shall with the necessary modifications extend and apply to the construction and maintenance of Work No. 4 by this Act authorised as though that section were re-enacted in this Act for the benefit of the London Midland and Scottish Railway Company Provided however that the following words shall be substituted for subsections (3) and (4) of that section (that is to say):—

(3) Notwithstanding anything shown on the deposited plans the Board shall carry the aqueduct (Work No. 4) by this Act authorised and the bridge hereinafter referred to over the canal of the Company on abutments in such situations as shall be reasonably required by the said engineer and shall construct such aqueduct and bridge in such a manner that the height from the water level of the canal to the underside of the bridge shall be not less than ten feet six inches:

(4) The said aqueduct where it crosses over the said canal of the Company and for thirty feet beyond each bank thereof shall be carried

on a bridge so constructed as to carry away all water which may at any time escape from the said aqueduct clear of the canal and property of the Company.

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**17.**—(1) If the works authorised by this Act and delineated on the deposited plans are not completed within eight years from the thirty-first day of December nineteen hundred and twenty-five then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Period for completion of works.

(2) Provided that the Board may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

**18.** The powers of section 16 (Power to stop up roads and footpaths) and section 17 (Maintenance of diverted roads) of the Act of 1912 shall apply as if the Works Nos. 2 and 3 authorised by this Act were referred to therein instead of the Works Nos. 17 and 18 authorised by the Act of 1912.

Power to stop up roads and footpaths and maintenance of diverted roads.

**19.** Subject to the provisions of this Act the Board may for the purposes of their waterworks collect impound take use and appropriate all the waters of the River Hodder at and above the embankment or dam of the Stocks reservoir as enlarged under the powers of this Act and of all the tributary streams and springs of that river above the said embankment or dam. Provided that the Board shall not collect impound take use or appropriate any of the waters of the streams known as Barn Gill and Phynis Beck or either of them or any other waters which would by natural gravitation flow into either of such last-mentioned streams and section 18 (Power to take waters) of the Act of 1912 is hereby repealed.

Power to take waters.

**20.**—(1) As full compensation to all persons for taking diverting and appropriating all the waters of the River Hodder and its tributaries respectively which the Board are authorised to take by this Act and before they shall be entitled to take any such waters for supply they shall (subject to the provisions of this Act) commence to

Compensation water.

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discharge and shall thenceforth cause to be discharged or permit to flow from the Stocks reservoir as enlarged under the powers of this Act to and into the River Hodder the quantity of compensation water following namely six million five hundred and forty-eight thousand three hundred and eighty-two gallons per day and such compensation water shall be given in a regular and continuous flow throughout the twenty-four hours of each day Provided that during the first filling of the said reservoir the Board shall discharge out of such reservoir the compensation water as hereinbefore provided so long only as there shall remain in such reservoir sufficient water to enable them to comply with the provisions of this section but the Board shall not during the first filling of such reservoir impound water thereby at any time when the quantity of water passing down the river below the dam of such reservoir is flowing at a less rate than the rate at which compensation water would but for this proviso be required to be discharged out of such reservoir.

(2) The Board shall construct and for ever after maintain in good repair within two hundred yards below the embankment or dam of the said reservoir and above the point of confluence of the Phynis Beck with the River Hodder suitable and efficient gauges or other apparatus for measuring the quantity of water to be discharged or to flow from such reservoir and such apparatus shall be open to the inspection and examination of any person appointed by the Ribble Fishery Board and of the several persons for the time being interested in the water so to be discharged or flow through or over the same.

(3) In the event of any difference or disagreement between the Board and the Ribble Fishery Board and the persons referred to in the last preceding subsection or any of them with respect to the construction maintenance or use of the gauges or other apparatus or any of them such difference or disagreement shall be settled and determined by an engineer to be agreed upon by the parties in difference or failing such agreement by an engineer to be nominated on the application of either party after seven days' notice in writing to the other party by the President of the Institution of Civil Engineers in London.

(4) In case the Board omit or fail to discharge or permit to flow the quantity of water by this section re-

quired to be discharged or to flow over or through the said apparatus the Board shall for every day on which such omission or failure shall occur pay a penalty not exceeding five pounds to the Fishery Board and to the occupiers of any mills or works on the course of the river or stream respectively who may have sustained loss by such omission or failure.

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(5) Section 19 (Compensation water) of the Act of 1912 is hereby repealed.

**21.** The powers conferred upon the Board by the Act of 1912 to construct the Hesbert reservoir and the Greet reservoir and any works in connection therewith authorised by that Act are hereby repealed and that Act shall be read and construed as if all references therein to those two reservoirs were omitted therefrom.

Repeal of powers as to Hesbert and Greet reservoirs.

**22.** Subject to the provisions of the section of this Act of which the marginal note is "For protection of certain riparian owners" and the section of this Act of which the marginal note is "For protection of West Riding Rivers Board West Riding County Council Lancashire County Council and River Ribble Joint Committee" the following provisions shall have effect for a period of eight years from the passing of this Act or for the period commencing on the passing of this Act and ending on the date of completion of the enlarged Stocks reservoir or of any section or part thereof from which compensation water is discharged whichever of those periods may be the less but so that such last-mentioned provisions shall in no case have effect after the expiration of eight years from the passing of this Act (that is to say):—

Temporary abstraction from River Hodder.

(1) The Board may take from the River Hodder any water they may require subject to the following restrictions:—

(a) They shall place a gauge weir across the said river at or near the proposed intake through an aperture in which one million gallons of water shall be allowed to pass and flow down the river every day of twenty-four hours;

(b) On any such day during such time as the flow of water in the said river shall be less than at the rate of one million gallons per day



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of twenty-four hours the Board shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the Board may take all or such part of the excess as they may require :

- (2) Nothing in this Act shall authorise the Board to draw more than six million gallons of water from the said river on any one day of twenty-four hours or to draw any water from the said river if and so long as the aggregate quantity of water in the existing impounding reservoirs of the Board is not less than five hundred million gallons and no intake or apparatus of the Board for drawing any such water shall be so situate that the Board shall be able to take under the provisions of this section any waters of the streams known as Barn Gill and Phynis Beck or either of them or any other waters which would by natural gravitation flow into either of such streams :
- (3) In case of any neglect on the part of the Board to comply with or observe the foregoing restrictions the Board shall on every day on which such neglect occurs forfeit and pay to the Fishery Board and to each of the persons who may have sustained loss thereby and who may sue for and recover the same the sum of five pounds Provided that the total amount recoverable by all persons under this section shall not exceed fifty pounds in the aggregate in respect of any one day :
- (4) Section 21 (Supply from Bottoms Beck and River Hodder until completion of reservoirs) of the Act of 1912 is hereby repealed.

For protection of certain riparian owners.

**23.** Notwithstanding anything in this Act contained the following provisions shall (except so far as may be otherwise agreed in writing) apply for the protection of each of the owners named in the schedule to this Act or other the owners or owner for the time being of the estates or any part of the estates in the said schedule mentioned situate upon the banks of the River Hodder

and the said owners are in this section referred to as "the riparian owners" :— A.D. 1925.

- (1) The Board shall construct and maintain in good repair efficient gauges or other apparatus for registering and automatically recording the flow of the quantity of compensation water to be provided in accordance with the section of this Act of which the marginal note is "Compensation water" (hereinafter in this section called "the compensation water") and for registering and automatically recording the quantity of water taken appropriated and used and the quantity of water allowed to pass and flow down the River Hodder during the period throughout which the Board are permitted to abstract water therefrom under the provisions of the section of this Act of which the marginal note is "Temporary abstraction from River Hodder" and shall keep the records of all such registers for a month at some convenient place near the said apparatus and thereafter at the head office of the Board and the said apparatus and the records thereof shall at all convenient times be open to the inspection of the riparian owners and each of them and their or his agents or agent duly authorised in writing :
- (2) The Board shall keep in good repair the gauge weir referred to in the section of this Act the marginal note of which is "Temporary abstraction from River Hodder" as well as the gauges and other apparatus referred to in subsection (1) of this section :
- (3) The Board shall provide and keep at some convenient place near the said point of intake a chart showing the aggregate quantity of water in their existing reservoirs during such times as they may be drawing water from the said river in pursuance of the provisions of the section of this Act of which the marginal note is "Temporary abstraction from River Hodder" Such chart shall be open at all convenient times to the inspection and examination of any person appointed by any of the riparian owners

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Copies of such chart shall from time to time be made by the Board and kept at the office of the Board for inspection and examination by the riparian owners and each of them and their or his agents duly authorised in writing :

- (4) In case the Board shall omit or fail to discharge the compensation water or in case the Board shall omit or fail to comply with or observe any of the restrictions and obligations contained in the section of this Act whereof the marginal note is "Temporary abstraction from River Hodder" or shall fail to comply with the provisions of subsection (2) of this section the Board shall pay to each of the riparian owners who shall sue for the same the sum of five pounds as liquidated damages for every day or part of a day on which such omission or failure shall occur. The said damages shall be recoverable by every such owner without proof of any loss or damage sustained by him and the same shall be recoverable with costs in any court of competent jurisdiction. Provided that the total amount recoverable by the riparian owners in respect of one day on which any such omission or failure shall occur shall not exceed fifty pounds in the aggregate. Provided also that no riparian owner who shall be entitled to the benefit of this subsection shall also be entitled to the benefit of subsection (4) of the section of this Act of which the marginal note is "Compensation water" :
- (5) The Board shall during the construction maintenance repair and renewal of the works by this Act and the Act of 1912 or either of them authorised or any of them at all times take or cause to be taken all such steps as are reasonably practicable to prevent the escape or discharge from the said works or from land in the occupation of the Board into the River Hodder or any tributaries or streams communicating therewith or belonging thereto of any solid or liquid matter detrimental to fish and in the event of any damage being caused to the fishing rights of any of the riparian owners in any part of the

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said river or any tributary thereof by reason of any failure to take such steps as are required by this section compensation for such damage shall be payable by the Board to such owner and in case of dispute the amount of such compensation shall be determined by arbitration :

- (6) The point of abstraction mentioned in the section of this Act of which the marginal note is "Temporary abstraction from River Hodder" shall not be below the site of the embankment of the enlarged Stocks reservoir and the Board shall construct and maintain each inlet pipe constructed by them for taking or appropriating water under the said section from the River Hodder at such level that no water can be abstracted thereby unless water is passing over or through the weir and measuring gauge or other apparatus constructed in connection therewith at a rate not less than such as would allow the daily quantity of water mentioned in such section in relation to such weir and measuring gauge or other apparatus to flow over or through the same in twenty-four hours of continuous flow :
- (7) Notwithstanding the provisions of the section of this Act of which the marginal note is "Compensation water" the Board shall pay to each of the riparian owners full compensation for any damage to his estate by any injurious affecting of his fishing rights in any part of the River Hodder or any tributary thereof by reason of the collecting impounding taking using or appropriation of any streams and water by this Act authorised to be collected impounded taken used or appropriated :
- (8) The Board shall from time to time make full compensation to each of the riparian owners and his lessees and tenants for all damage and injury losses and expenses whatsoever which may from time to time be incurred or suffered by him or them by reason or in consequence of the bursting giving way or leakage of the reservoir or any of the aqueducts by this Act and the Act of 1912 or either of them authorised :

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- (9) The Board shall not supply in bulk beyond their present limits of supply (except in the township of Lea Ingol Ashton and Cottam in the rural district of Preston) any water taken under this Act or under their existing powers until the enlarged Stocks reservoir has been constructed and brought into use and shall not thereafter supply in bulk beyond such limits of supply any such water except for the supply of the said township and any township through which any aqueduct authorised by the Act of 1912 shall pass :
- (10) So long as the Board shall be engaged in the construction of any part of the aqueduct (Work No. 5) by the Act of 1912 authorised to the north-east of Dobson's Hall in the township of Chipping or of any of the works by that Act or this Act authorised higher up the Hodder Valley and until the completion of such aqueduct and other works they shall henceforth during such periods as such aqueduct and works may be under construction pay the sum of one hundred and thirty pounds per annum in advance to the joint receipt of William King-Wilkinson and William Peel or the survivor of them or the successors in title to the estate of such survivor or any person or persons to be from time to time appointed in writing under the hands of them or the survivor of them or such successors to receive the same such annual sum to be from time to time applied by the persons or person entitled to receive the same in defraying the expenses of the employment by such persons or person of a water bailiff for the protection of the fisheries of the riparian owners :
- (11) If any question (other than a claim for liquidated damages under subsection (4) of this section) shall arise between the Board on the one hand and the riparian owners or any one or more of them on the other hand as to the true intent and meaning of any of the provisions of this section or as to anything to be done or not to be done thereunder the same shall be referred to a single arbitrator. Provided that in the case of any



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arbitration as to the amount of any compensation payable to the riparian owners or any one or more of them under subsections (7) and (8) of this section the provisions of section 34 of the Lands Clauses Consolidation Act 1845 and of the Lands Clauses (Taxation of Costs) Act 1895 shall apply to such arbitration :

(12) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or the Act of 1912 or any Act incorporated therewith respectively which may enure for the protection or benefit of the riparian owners or any one or more of them Provided that no riparian owner shall in respect of the same loss or damage be entitled to recover compensation or damages under this section and also under any other provision of this Act or any Act incorporated therewith or otherwise but nothing in this section shall deprive the riparian owners or any of them of the right to proceed to enforce any of the provisions of this Act by injunction mandamus or other legal process :

(13) Section 23 (For protection of certain riparian owners) of the Act of 1912 is hereby repealed but not the schedule referred to in that section.

24. For the protection of the West Riding of Yorkshire Rivers Board (in this section referred to as "the rivers board") the county councils of the west riding of Yorkshire and of the county palatine of Lancaster and the River Ribble Joint Committee the following provisions shall unless otherwise agreed in writing between those authorities on the one hand and the Board on the other hand have effect (that is to say) :—

For protection of West Riding Rivers Board West Riding County Council Lancashire County Council and River Ribble Joint Committee.

(1) The Board shall proceed with all practicable dispatch to complete the construction of the Stocks reservoir as by this Act authorised to be enlarged :

(2) The Board shall construct and maintain in good repair efficient gauges or other apparatus for registering and automatically recording the flow of the quantity of compensation water to be provided in accordance with the section of this Act whereof the marginal note is "Compensa-

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tion water" (hereinafter in this section called "the compensation water") and for registering and automatically recording the quantity of water taken appropriated and used and the quantity of water allowed to pass and flow down the River Hodder during the period throughout which the Board are permitted to abstract water therefrom under the provisions of the section of this Act of which the marginal note is "Temporary abstraction from River Hodder" and shall keep the records of all such registers for a month at some convenient place near the said apparatus and thereafter at the head office of the Board and it shall be the right and (as between the rivers board on the one hand and the said county councils and joint committee on the other hand) the duty of the rivers board from time to time to inspect the said apparatus and records and the chart and copies thereof referred to in the section of this Act of which the marginal note is "For protection of certain riparian owners" which records chart and copies shall at all convenient times be open to such inspection :

- (3) In case the Board shall omit or fail to discharge the compensation water or in case the Board shall omit or fail to comply with or observe any of the restrictions and obligations contained in the section of this Act whereof the marginal note is "Temporary abstraction from River Hodder" the Board shall on summary conviction at the instance of the rivers board of any such omission or failure forfeit and pay to the rivers board the sum of five pounds for every day or part of a day on which such omission or failure shall occur :
- (4) If any question shall arise between the Board on the one hand and the rivers board and the said county councils and joint committee or any of them on the other hand under subsection (2) of this section such question shall be referred to and determined by an arbitrator to be agreed upon between the parties in dispute or failing such agreement to be appointed on the application of any or either of such parties by

the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference to arbitration : A.D. 1925.

- (5) Section 27 of the Act of 1912 (For protection of West Riding Rivers Board West Riding County Council Lancashire County Council and River Ribble Joint Committee) is hereby repealed.

**25.** The provisions of section 24 (For protection of the King-Wilkinson Estates) of the Act of 1912 and all amendments or extensions of any of the provisions thereof contained in any deed or agreement in writing entered into between William King-Wilkinson and the Board shall so far as the same are applicable apply and have effect as well to the works by this Act authorised as to the works authorised by the Act of 1912 and shall for that purpose be deemed to be incorporated in this Act in the same manner in all respects as if the same were herein repeated. Provided that subsection (9) of the said section shall be construed as including a reference to footpaths and water-courses and as though the words " or injured or otherwise affected " were inserted therein after the words " interfered with " Provided further that there shall be added to the said section the following additional subsection (namely) :—

The Board shall not upon or in connection with or for the purpose of any of the works authorised by this Act or the Act of 1912 on any day before the hour of eight a.m. use or suffer to be used for the purpose of calling workpeople any steam whistle hooter gong or any other noisy instrument which could be heard at the residence of the owner known as " Whiteholme."

**26.**—(1) Within twelve months after the passing of this Act or upon the date upon which the Board commence to abstract water from the River Hodder under the provisions of the section of this Act of which the marginal note is " Temporary abstraction from River Hodder " (whichever is the earlier) the Board shall pay to the Ribble Fishery Board the sum of four thousand pounds to be expended by them in such manner as they may think fit in improving the fisheries in the River Ribble and the River Hodder and their respective tributaries.

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(2) The gauges or other apparatus which the Board are required to construct and maintain and the records and the chart and the copies thereof which they are required to make and keep under and in pursuance of the sections of this Act of which the marginal notes respectively are "For protection of West Riding Rivers Board" "West Riding County Council Lancashire County Council" and "River Ribble Joint Committee" and "For protection of certain riparian owners" shall be open at all convenient times to the inspection and examination of any person appointed by the Ribble Fishery Board.

For protection of Bowland Estate.

27. The provisions of section 13 (For protection of Bowland Estate) of the Act of 1912 shall so far as the same are applicable and not inconsistent with the provisions of this Act apply and have effect as well to the works authorised and powers granted by this Act as to the works authorised and powers granted by the Act of 1912 and shall for that purpose be deemed to be incorporated in this Act in the same manner in all respects as if the same were herein repeated.

Limiting powers of Board to abstract water.

28. The Board shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Works to form part of water undertaking.

29. Subject to the provisions of this Act the works by this Act authorised shall for all purposes be deemed part of the water undertaking of the Board.

#### FINANCIAL AND MISCELLANEOUS.

Revision of charges for water supplied to Bowland Rural District Council and Lancashire County Council.

30.—(1) Subsection (1) of section 11 (Supply of water to rural district council of Bowland) of the Act of 1912 shall be read and have effect as if the word "sixpence" were omitted therefrom and the words "ten pence" were substituted therefor.

(2) Subsection (9) of section 14 (For protection of Lancashire County Council) of the Act of 1912 shall be read and have effect as if the words "sixpence halfpenny" were omitted therefrom and the words "eleven pence" were substituted therefor.

(3) The charges authorised by each of the said subsections as altered by this section may be revised at the end of every period of three years after the first day of

October nineteen hundred and twenty-five either by agreement between the Board and the Lancashire County Council or the Board and the Bowland Rural District Council as the case may be or failing agreement by an arbitrator to be agreed upon by the parties concerned or failing agreement to be appointed on the application of either of the parties concerned by the Minister of Health.

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**31.** Subsection (11) of section 12 (For protection of rural district council of Bowland) of the Act of 1912 shall be read and have effect as if the words "twenty-two pounds ten shillings" were omitted therefrom and the words "forty-five pounds" were substituted therefor.

Amendment  
of section 12  
of Act of  
1912.

**32.—(1)** The Board shall at any time after they commence to supply water from their Stocks reservoir supply to the Clitheroe Rural District Council (hereinafter called "the council") for the supply of the parishes of Little Bowland Leagram Chipping and Thornley-with-Wheatley or any of them such daily quantity of water not exceeding one hundred thousand gallons as the council shall from time to time require and take at the price of ten pence per one thousand gallons. The supply shall be delivered at such point or points on the Hodder aqueduct of the Board as may be agreed between the Board and the council or as failing agreement may be determined by arbitration under this section. Provided that the council shall be entitled to the supply at such pressure as shall be available from the said Hodder aqueduct.

Supply  
of water  
to rural  
district  
council of  
Clitheroe.

(2) All water taken by the council shall be measured by a meter or other apparatus to be provided by the council and approved by the water engineer of the Board at every point on the aqueduct from which a supply shall be given. Every such meter shall be placed in some suitable chamber or building to be provided by the council and every such meter and all pipes valves and other apparatus connecting it with the aqueduct from which the water is taken shall be fixed and constructed by the Board at the cost of the council. The Board shall at all reasonable times be at liberty after giving forty-eight hours' notice to the council to inspect every such meter and the works appertaining thereto and to test the accuracy thereof and if necessary to require the same to be repaired and maintained at the expense of the Council.



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

(4) All payments for water supplied shall be payable half yearly on the thirty-first day of March and the thirtieth day of September in every year.

(5) Any difference between the Board and the council under this section shall be settled by an arbitrator to be appointed by agreement or in default of agreement by the President of the Institution of Civil Engineers under and subject to the provisions of the Arbitration Act 1889.

Revision  
of water  
rates and  
charges.

**33.** The Minister of Health may at any time on the application of the Board or of any local authority within the limits of supply of the Board review and if necessary revise by way either of increase or decrease the maximum rates authorised by section 21 (Rates for supply of water for domestic purposes) of the Act of 1899 as amended by section 4 (Increase of maximum rates and charges for supply of water) of the Act of 1919 and the charges for water for other purposes authorised by the Act of 1897 and the Act of 1899 as amended by section 4 of the Act of 1919 so that such revised rates and charges shall be sufficient so far as can be estimated to enable the waterworks undertaking of the Board to be carried on without loss Provided that at any time after the expiration of three years from such review or any review under this proviso of the said rates and charges the said Minister may on the like application similarly review and if necessary revise the said rates and charges for the time being in force.

Owners to  
be liable  
for water  
rates in  
certain  
cases.

**34.** Where any premises are let out either wholly or in part in separate rooms or separate sets of rooms or apartments it shall be lawful for the Board if they think fit to levy and recover the water rates and charges leviable or chargeable by them upon the owner of such premises instead of upon the occupier :

Provided that the Board shall give one month's notice in writing to any such owner of their intention to exercise the powers of this section in respect of any premises owned by him.



**35.** The powers of the Board to borrow money under the Act of 1910 and the Act of 1912 as extended by the Act of 1919 shall be reduced as mentioned in this section :—

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Reduction  
of borrow-  
ing powers  
under Acts  
of 1910 1912  
and 1919.

(1) The borrowing powers authorised for the purposes (b) mentioned in subsection (1) of section 31 of the Act of 1910 and for the purposes (b) mentioned in subsection (1) of section 10 of the Act of 1919 shall be together reduced by the sum of three thousand eight hundred and fifty pounds :

(2) The borrowing powers authorised for the purposes (a) mentioned in subsection (1) of section 58 of the Act of 1912 and for the purposes (c) mentioned in subsection (1) of section 10 of the Act of 1919 shall be together reduced by the sum of eight hundred and sixty-nine thousand nine hundred and forty-seven pounds :

(3) The borrowing powers authorised for the purposes (b) mentioned in subsection (1) of section 58 of the Act of 1912 and for the purposes (d) mentioned in subsection (1) of section 10 of the Act of 1919 shall be together reduced by the sum of forty-three thousand seven hundred and twelve pounds.

**36.**—(1) The Board may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column of the said table (namely) :—

Power to  
borrow.

1.	2.	3.
Purpose.	Amount.	Period of repay- ment.
(a) For the purchase of land and easements.	£ 400	Sixty years from the date or dates of borrowing.
(b) For and in connection with the enlargement of the Stocks reservoir.	63,023	Sixty years from the date or dates of borrowing.

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1.	2.	3.
Purpose.	Amount.	Period of repayment.
(c) For the construction of the road diversions (Works Nos. 17 and 18) authorised by the Act of 1912 as raised and extended by Works Nos. 2 and 3 authorised by this Act.	£ 26,484	Sixty years from the date or dates of borrowing.
(d) For the construction of the aqueduct diversions (Works Nos. 4 and 5) authorised by this Act.	9,000	Fifty years from the date or dates of borrowing.
(e) For the construction and laying of other water mains.	100,000	Forty - five years from the date or dates of borrowing.
(f) Excess expenditure on high level and other mains authorised under section 31 (1) (b) of the Act of 1910.	28,257	Forty years from the date or dates of borrowing.
(g) For paying the costs charges and expenses of this Act as hereinafter described.	The sum requisite.	Five years from the passing of this Act.

(2) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Board may mortgage or charge the revenues of the Board.

Incorporation of financial provisions of Act of 1897.

**37.** The following sections of the Act of 1897 shall with the necessary modifications extend and apply to and with respect to moneys borrowed under this Act:—

Section 51 (Provisions of Public Health Act as to mortgages to apply);

Section 53 (Mode of payment off of money borrowed);

Section 55 (Protection of lender from inquiry);

Section 56 (Board not to regard trusts);

Section 57 (Appointment of receiver);

Section 60 (Application of money borrowed).

Mode of raising money.

**38.**—(1) The Board may raise all or any moneys which they are authorised to borrow under any Act relating to them by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of

such issue under the last mentioned Act the Board shall be deemed a local authority under that Act and the revenue of their undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect shall be deemed to be the local rate as defined by the said Act. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

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(2) Section 50 (Mode of raising money) of the Act of 1897 is hereby repealed.

**39.**—(1) The period within which the Board shall pay off all moneys already borrowed or hereafter to be borrowed by them in respect of the construction of the reservoir and works authorised by Article I. (2) of the Fylde Order 1904 shall be sixty years from the date or dates of borrowing the same instead of the period of forty years sanctioned by the Local Government Board.

Extension of period for repayment of moneys borrowed for construction of Grizedale Lea reservoir.

(2) Any sinking fund already established by the Board for the purpose of providing for the repayment of any moneys so borrowed by the Board shall be calculated and adjusted so as to accord with the provisions of subsection (1) of this section and any amount by which the sums paid in by the Board to such sinking fund exceed the sums required for such sinking fund in accordance with this section shall together with any interest thereon accumulated in such sinking fund be credited in the reduction of the sums hereafter to be paid in by the Board to such sinking fund.

**40.**—(1) Notwithstanding anything contained in any Act or Order relating to the Board on and after the thirty-first day of March nineteen hundred and twenty-six the Board may if they think fit establish a fund to be called the consolidated loans fund to which shall be paid as and when they are received—

Consolidated loans fund.

(a) all moneys borrowed by the Board whether by issue of stock or other security together with any moneys temporarily borrowed without security in connection with the exercise of statutory borrowing powers;

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- (b) all moneys of a capital nature received by the Board whether from the sale of capital assets or otherwise except such as are applied by the Board with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Board to comply with the terms and conditions as to repayment attaching to their several borrowing powers:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received and of all sums provided by the Board as aforesaid before the thirty-first day of March nineteen hundred and twenty-six.

(2) The moneys of the consolidated loans fund shall be used or applied by the Board—

- (a) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Board; or
- (b) in the redemption of stock or any other securities issued by the Board the purchase of stock for extinction or the repayment of any moneys borrowed by the Board:

And any moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Board and the dividends and interest thereon shall be charged indifferently on all the revenues of the Board and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Board to the holders of stock or other securities of the Board shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Board except in accordance with a scheme to be approved by the Minister of Health

and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund. A.D. 1925.  
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**41.**—(1) Any moneys borrowed or to be borrowed by the Board under any statutory borrowing power (including borrowing powers under this Act) shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Board. Security for loans.

(2) The interest from time to time payable on any such moneys shall rank equally with the interest or dividends on all other securities of the Board created or granted in pursuance of any statutory borrowing power.

**42.** Notwithstanding anything contained in section 64 (Application of water revenue) of the Act of 1897 the reserve fund which the Board may form may be increased until it amounts to a sum equal to five per centum upon the capital expenditure for the time being of the Board. Increase of reserve fund.

**43.**—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act or of any other Act such fund shall be formed and maintained either— Sinking fund.

(a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is



A.D. 1925. formed Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(3) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Board.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(4) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Board in addition to the payments provided for by this Act.

(5) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Minister of Health that any such increase is necessary the Board shall increase the payments to such extent as the Minister of Health may direct.

(6) If the Board desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(7) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund)



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will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(8) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(9) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Board with the consent of the Minister of Health may determine.

(10) Section 54 (Sinking fund) of the Act of 1897 is hereby repealed.

44.—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Board under any statutory borrowing power.

Return to  
Minister of  
Health with  
respect to  
repayment  
of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or the chief accounting officer of the Board and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

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(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Board shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision of any enactment now in force with regard to the Board requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Investment  
of and  
payments  
into sinking  
fund.

**45.** When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Board are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and accumulations thereof required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Board (that is to say):—

- (1) The Board may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities :
- (2) The accumulations of the said yearly sums shall be paid and provided out of the revenue account of the Board and any interest dividends and annual proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such yearly sums and accumu-

lations thereof as may have been provided prior to the passing of this Act) shall be paid into the revenue account. A.D. 1925.

46. Where more persons than one are registered as joint holders of any mortgage of the Board any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Board or the clerk by any other of them. Interest on mortgages held jointly.

47. Section 65 (Deficiency in revenue of Board to be made good by constituent authorities) of the Act of 1897 shall be read and have effect as if the following subsection were substituted for subsection (2) of the said section 65 and as if subsection (4) of that section were omitted therefrom:— Amend-  
ment of section 65 of Act of 1897 with regard to apportionment of deficiency.

The amount of the deficiency shall be apportioned between the constituent authorities in the proportions which the assessable values of the respective districts of the constituent authorities bear to the total assessable values of the districts such values being ascertained according to the valuation lists for the time being in force for the rate for the relief of the poor "Assessable value" for the purposes of this section shall be the rateable value of a parish reduced in respect of the agricultural land (as defined by the Agricultural Rates Acts 1896 and 1923) in the parish as follows:—

(a) During the continuance of the Agricultural Rates Acts 1896 and 1923 by an amount equal to three-fourths (or such other proportion as for the time being is fixed by Parliament) of the value of such agricultural land;

(b) If the Agricultural Rates Act 1923 shall expire before the expiration of the Agricultural Rates Act 1896 during the continuance of the latter Act by an amount equal to one half (or such other proportion as for the time being is fixed by Parliament) of the value of such agricultural land.

Such amounts respectively shall be charged upon and be paid by the constituent authorities out of the following rates (a) in the case of a corporation or an urban district council the general district rate or the consolidated rate as the case may

A.D. 1925.

be and (b) in the case of a rural district council the rate for general expenses of the rural district or the rates for special expenses of certain parishes in the rural district as the rural district council concerned may determine and the constituent authorities are hereby authorised and required to make and levy any rate or issue any precept that may be necessary for providing the amounts payable as aforesaid.

Dates for  
payment  
of water  
rates.

48. Section 22 (Water rates payable half-yearly) of the Act of 1899 shall be read and have effect as if the word "April" were substituted for the word "March" and as if the word "October" were substituted for the word "September" Provided that the water rates and charges levied or made next following the passing of this Act shall be for a period of seven months terminating on the next following first day of April or first day of October as the case may be.

Power to  
alter  
number of  
members  
of Board.

49.—(1) Subject to the provisions of this section the Minister of Health may by order add to the Board representatives of local authorities within the limits of supply not represented on the Board and desiring or agreeing to be represented thereon and may alter the number of members to be appointed by the constituent authorities and may make any provisions incidental to or consequential on such alteration including an alteration in the number of members to form a quorum Any local authority representatives of which are added to the Board under the powers of this section shall be a constituent authority of the Board.

(2) An order of the Minister of Health under this section may be made on the application either of the Board or of a constituent authority of the Board.

(3) An application of the Board under this section may be made at any time and the Board shall give one month's notice thereof in writing to the constituent authorities prior to making the application.

(4) An application of a constituent authority or constituent authorities shall be made only after six months' notice in writing of the application shall have been given by such authority or authorities to the clerk and to the constituent authorities not joining in the application.

(5) Upon receipt of any application unless it shall appear that the Board and all the constituent authorities are in agreement the Minister of Health prior to making an order under this section shall hold an inquiry into the application and shall give notice of such inquiry to the Board and to all the constituent authorities.

A.D. 1925.  
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**50.** Section 67 (Inquiries by Local Government Board) of the Act of 1897 shall extend and apply to inquiries by the Minister of Health in pursuance of the provisions of this Act. Provided that for the purposes of this Act subsection (2) of the said section 67 shall be read and have effect as if the words "five guineas" were substituted for the words "three guineas" therein.

Inquiries  
by Minister  
of Health.

**51.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of the revenue of their water undertaking or out of money to be borrowed under this Act for that purpose.

Costs of  
Act.

A.D. 1925.

## SCHEDULE to the foregoing Act.

LIST OF CERTAIN RIPARIAN OWNERS AND OF THEIR  
RESPECTIVE ESTATES.

Names.	Estate.
Mrs. Frampton - - - -	Newton Hall Estate.
John F. Berkeley Weld - - - -	Leagram Estate.
The Right Honourable Edward George Villiers Earl of Derby.	The Derby Estates in the townships of Thornley- with-Wheatley Chipping Treales Medlar-with-Wes- ham and Weeton.
William King-Wilkinson - - - -	Whiteholme Dunnaw and Townhead Estates.
William Peel - - - -	Knowlmore Manor Estates
Lieut.-Col. Sir James Worsley- Taylor Bart.	Bashall Eaves (including Forest of Bowland and Chaigley) Estates.
The trustees of the will of William Dugdale deceased.	Plantation Farm Chaigley.
Harry Eastwood - - - -	Chadswell Estate.
The Co-operative Wholesale Society Limited.	Chaigley Manor Estate and Higher Hodder Bridge Estate.
The Reverend William Bodkin -	} Stoneyhurst College and Hodder Place Estates.
The Reverend Charles Nicholson -	
The Reverend John Hungerford Pollen.	
Mary Embley Midgley - - - -	Sagar Fold Estate.
Alfred Hitchen his representatives or assigns.	Scott House Estate.
John Ralph Aspinall - - - -	Mitton Estates.
Henry Rawcliffe - - - -	Spring Wood House Estate.
Hartley Baldwin - - - -	Winckley Estates.
John Cline Parker - - - -	Fair Oak Estate.



Names.	Estate.	A.D. 1925.
Theresa Harriett Mary Delacour -	} Bowland Estate.	
Lucy Evelyn Murray - - -		
Winifred Mary Billing - - -		
Stella Gwendoline Brogden Billing -		
Frances Mary Walmsley - - -		
Ethelreda Mary Swarbreck - - -		
The trustees of the will of the Right Honourable Mabel Anne Baroness Clifford of Chudleigh.		

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