



CHAPTER lxx.

An Act to confer further powers on the Derwent Valley Water Board and for other purposes. A.D. 1927.

[29th July 1927.]

WHEREAS by the Derwent Valley Water Act 1899 (in this Act referred to as "the Act of 1899") the Derwent Valley Water Board (in this Act referred to as "the Board") were incorporated consisting of members of and representing the councils of the borough of Derby the borough (now the city) of Leicester and the cities of Nottingham and Sheffield and of the county council of the county of Derby :

And whereas by the Act of 1899 and subsequent Acts the Board were authorised to construct and maintain in the county of Derby and in the west riding of the county of York certain waterworks and other works in connection therewith and to divert impound and appropriate the waters of the rivers Derwent and Ashop and their respective tributaries and to supply water to the municipal corporations of the said boroughs and cities and were required subject to certain conditions to supply water to local authorities in the county of Derby (exclusive of the water limits of the Derby Corporation and of so much of the county of Derby as is situate within the Rother Valley) and to local authorities in the county of Nottingham :

And whereas it is expedient that the Board should be empowered in connection with the said works to

A.D. 1927. — construct the aqueduct or line or lines of pipes by this Act authorised and to acquire lands or easements for the purposes thereof and that in view of the uncertainty as to the date at which such construction will be required and of the special circumstances of the case the period for the compulsory acquisition of such lands or easements prescribed by this Act should be sanctioned :

And whereas the time limited by the Derwent Valley Water Act 1920 for the compulsory purchase of lands for the purposes of that Act will shortly expire and it is expedient that the time so limited should be extended and that for the reasons aforesaid the period of such extension should be as prescribed by this Act :

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

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

And whereas estimates have been prepared by the Board for the purchase of land or easements for and the execution of the works by this Act authorised and such estimates amount to the sum of one hundred and twelve thousand and forty pounds :

And whereas the works by this Act authorised are in substitution for certain works which might have been executed under the powers of the Act of 1899 and it is expedient that the powers of borrowing conferred by the Act of 1899 and the further powers of borrowing conferred by the Derwent Valley Water Act 1901 and by the Derwent Valley Water Act 1920 for the purposes of certain works authorised by those Acts respectively in substitution for certain other works authorised by the Act of 1899 should be made applicable to the purposes of this Act :

And whereas a plan and section showing the lines and levels of the work authorised by this Act and the lands to be taken or used for the purposes thereof and also a book of reference to the said plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which are authorised to be acquired under the powers of this Act were duly deposited with the clerk of the peace for the county of Derby and the said documents are

hereinafter respectively referred to as the deposited plan section and book of reference : A.D. 1927.

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

PART I.

PRELIMINARY.

1. This Act may be cited as the *Derwent Valley Water Act 1927* and the *Derwent Valley Water Acts and Orders 1899 to 1924* and this Act may be cited together as the *Derwent Valley Water Acts and Orders 1899 to 1927*. Short and collective titles.

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

Act divided into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Finance.

Part V.—Miscellaneous.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) :— 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 corporate seal of the Board and shall be sufficient without the addition of the sureties mentioned in that section :

[Ch. lxx.] *Derwent Valley Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927.

(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 clauses and provisions of the Railways
Clauses Consolidation Act 1845 with respect to
the temporary occupation of lands near the
railway during the construction thereof and
also section 16 (Works which may be executed)
of that Act:

(5) Part II (Extension of time) of the Railways
Clauses Act 1863:

Provided that in the said provisions of the Railways
Clauses Consolidation Act 1845 and of the Railways
Clauses Act 1863 “the company” shall mean the Board
“the railway” shall mean the waterworks authorised
by this Act and the “centre of the railway” shall mean
the centre line as shown on the deposited plan of the
aqueduct authorised by this Act.

Interpreta-
tion.

4. In this Act unless the subject or context otherwise
requires terms to which meanings are assigned in the Acts
incorporated wholly or in part with this Act or which
have therein special meanings have in this Act (unless
varied thereby) the same respective meanings And—

The expression “the Lands Clauses Acts” means
the Lands Clauses Acts as varied by the
Acquisition of Land (Assessment of Compensa-
tion) Act 1919;

The expression “the four corporations” means the
mayor aldermen and burgesses of the borough
of Derby the mayor aldermen and citizens of
the city of Leicester the mayor aldermen and
citizens of the city of Nottingham and the

lord mayor aldermen and citizens of the city of Sheffield; A.D. 1927.

The expressions "the Act of 1899" "the Act of 1901" "the Act of 1904" "the Act of 1909" and "the Act of 1920" mean respectively the Derwent Valley Water Act 1899 the Derwent Valley Water Act 1901 the Derwent Valley Water Act 1904 the Derwent Valley Water Act 1909 and the Derwent Valley Water Act 1920.

PART II.

LANDS.

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

6. The provisions of the following sections of the Act of 1899 (that is to say) :— Incorporation of sections of Act of 1899 as to lands.

Section 33 (Correction of errors and omissions in plans or books of reference);

Section 35 (Easements instead of acquisition of land);

Section 36 (Power to grant easements &c.); and

Section 40 (Reservation of water rights &c. on sale);

shall extend and apply mutatis mutandis to and in relation to the lands and easements by this Act authorised to be acquired by the Board and are incorporated with this Act.

7. The powers for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of October one thousand nine hundred and thirty-four. Period for compulsory purchase of lands.

8. All lands acquired by the Board under the powers of this Act and the Board or their respective successors and assigns in respect of such lands shall be exempt from the provisions of the High Peak Mining Customs and Mineral Courts Act 1851 and of the Derbyshire Mining Customs and Mineral Courts Act 1852 respectively. Exemption from Mineral Courts Acts.

A.D. 1927.

—
Extinguishment of rights of way over lands acquired.

9. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition 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 with reference to the taking of lands otherwise than by agreement.

Power to retain sell &c. lands.

10. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Board may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition and such land shall in the hands of the purchaser or other person taking the same be by virtue of this Act absolutely freed from any charge of principal moneys created under the Derwent Valley Water Acts and Orders 1899 to 1927 and such purchaser or other person shall not be concerned to see to the application of the purchase-money or be answerable for the loss or misapplication thereof. Provided that the provisions of section 43 (Application of moneys from sale &c. of land) of the Act of 1899 shall apply to and in relation to the lands by this Act authorised to be acquired by the Board.

As to use of subsoil of streets &c.

11. Subject to the provisions of this Act the Board may for the purposes of the aqueduct or lines of pipes by this Act authorised appropriate and use without payment of compensation therefor the subsoil and under-surface of any public street road footway or place shown on the deposited plan and described in the deposited book of reference or so much thereof as shall be necessary for the purposes aforesaid.

12. The time limited by the Act of 1920 for the compulsory purchase of lands for the purposes of that Act is hereby extended until the thirty-first day of October one thousand nine hundred and thirty-four.

A.D. 1927.

—
Extension of time for compulsory purchase of lands under Act of 1920.

PART III.

WORKS.

13. Subject to the provisions of this Act the Board may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plan and section the work in the rural district of Belper in the county of Derby hereinafter described (that is to say) :—

Power to construct work.

An aqueduct or line or lines of pipes commencing in the parish of Dethick Lea and Holloway by a junction with an existing aqueduct of the Board and terminating in the parish of Crich by another junction with the said existing aqueduct.

14. Subject to the provisions of this Act the works to be constructed under the authority of this Act shall for all purposes whatsoever be deemed part of the waterworks undertaking of the Board.

New works to form part of waterworks undertaking.

15. The provisions of the following sections of the Act of 1899 (that is to say) :—

Incorporation of sections of Act of 1899 as to works.

Section 47 (Power to make subsidiary works) as amended by this Act;

Section 48 (Limits of deviation); and

Section 57 (Temporary discharge of water into streams);

and of section 33 (Accommodation of workmen employed on authorised works) of the Act of 1920 (with the substitution in subsection (3) of the said section 33 of a reference to the rural district council of Belper for the reference to the rural district council of Chapel-en-le-Frith) shall extend and apply mutatis mutandis to and in relation to the works by this Act authorised and are incorporated with this Act.

[Ch. lxx.] *Derwent Valley Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927.

For protec-
tion of
Postmaster-
General.

16. Section 47 (Power to make subsidiary works) of the Act of 1899 shall be read and have effect as if the words "and shall not be established installed or worked" in contravention of the provisions of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof" were inserted at the end of that section.

Breaking up
of roads and
footpaths.

17. For the purpose of making or maintaining the work referred to in the section of this Act of which the marginal note is "Power to construct work" or any subsidiary works in connection with that work the Board may (but subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) open and break up any public road or public footpath shown on the deposited plan in under or across which any of such works are authorised to be constructed.

PART IV.

FINANCE.

Power to
apply
money
authorised
by Acts of
1899 1901
and 1920 to
be raised.

18.—(1) The Board may apply to the purposes of this Act (including the payment of the costs charges and expenses referred to in the section of this Act of which the marginal note is "Costs of Act") any moneys which they were by the Act of 1899 or the Act of 1901 or the Act of 1920 authorised to borrow and which may not be required for the purposes of those Acts respectively.

(2) The Board may also apply any such moneys as aforesaid in or towards the payment of interest on any moneys borrowed (whether before or after the passing of this Act) under the powers of the Derwent Valley Water Acts and Orders 1899 to 1924 or any of them and in respect of which the Board are by virtue of the Derwent Valley Water Acts and Orders 1899 to 1927 or any of them not required to commence to make any payment to sinking fund until a date subsequent to the passing of this Act. Provided that nothing in this subsection shall authorise any such application of money as aforesaid in or towards the payment of interest on any moneys so borrowed in respect of any period subsequent to the year at the expiration of which the period for the repayment of such borrowed moneys commences to run.

19.—(1) Notwithstanding anything contained in section 101 (Periods for payment of moneys borrowed) of the Act of 1899 as amended by section 37 (Amendment of financial provisions of Act of 1899) of the Act of 1904 and by section 44 (Incorporation of certain sections of Act of 1899) of the Act of 1920 the periods for the repayment of any moneys borrowed after the thirty-first day of December one thousand nine hundred and twenty-six under the powers of the Derwent Valley Water Acts and Orders 1899 to 1924 or any of them and applied after the said thirty-first day of December one thousand nine hundred and twenty-six to the purchase of land for and the execution of any works authorised by the Derwent Valley Water Acts and Orders 1899 to 1927 or any of them and which may be commenced after the said thirty-first day of December one thousand nine hundred and twenty-six shall be periods of sixty years from the expiration of—

A.D. 1927.

—
As to period for repayment and commencement of sinking fund payments in respect of certain loans.

- (a) the financial years in which such works are respectively completed and brought into use; or
- (b) ten years from the expiration of the financial years in which such works are respectively commenced

whichever shall first happen.

(2) Notwithstanding anything contained in section 99 (Mode of payment off of money borrowed) of the Act of 1899 as amended by the said section 37 of the Act of 1904 and by section 15 (Sinking fund payments by Board) of the Act of 1909 and by the said section 44 of the Act of 1920 it shall not be obligatory upon the Board in respect of any such moneys as are referred to in subsection (1) of this section to commence to make any payment to sinking fund before the expiration of the financial year forming the first of the period of sixty years within which such moneys are required to be repaid.

PART V.

MISCELLANEOUS.

20.—(1) No person shall bathe or wash any part of his person or any article or thing or commit any nuisance in any reservoir of the Board or except with the consent of the Board use any boat upon any such reservoir.

Prohibiting bathing and boating on reservoirs of Board.

[Ch. lxx.] *Derwent Valley Water* [17 & 18 GEO. 5.]
Act, 1927.

A.D. 1927.

(2) Any person offending against the provisions of this section shall on summary conviction be liable to a penalty not exceeding five pounds.

Increase of
payment for
water sup-
plied in bulk
to certain
authorities.

21.—(1) Section 91 (Obligations as to supply to local authorities within the county of Derby exclusive of the Derby Corporation water limits and the Rother Valley) of the Act of 1899 shall as from the twenty-ninth day of September the twenty-fifth day of December the twenty-fifth day of March or the twenty-fourth day of June (whichever shall first happen) next after the passing of this Act be read and have effect as if—

(a) provision had been made in subsection (1) of that section for the determination in respect of each year in which a supply of water in bulk is furnished by the Board to any local authority or local authorities under the provisions of the said section (otherwise than in consideration of an agreed fixed price per thousand gallons) of the amount of the payment to be made in respect of that year by such local authority or local authorities respectively for such supply; and

(b) the amount of such payment were in respect of each such year determined on the basis prescribed by the said subsection (1) but with the substitution for the rate of four per centum referred to therein of a rate per centum exceeding by one half of one per centum the average rate per centum of the interest and dividends paid by the Board in the last preceding year on their mortgages stock loans and bank overdrafts on capital account such average rate being ascertained according to the following formula:—

(i) the average rate of such interest and dividends for each month of such preceding year shall be ascertained by—

(a) dividing the total amount of the interest and dividends for a year on the amounts of the mortgages stock loans and bank overdrafts on capital account of the Board outstanding on the day in that month fixed for the holding of the monthly finance meeting calculated

at the respective rates of interest or dividends payable on such mortgages stock loans and bank overdrafts by the aggregate of such amounts; and

(b) multiplying by one hundred the result of such division;

(ii) the twelve monthly average rates so ascertained shall be added together and the aggregate amount thereof shall be divided by twelve;

(iii) the rate resulting from such division shall be deemed to be the average rate per centum first referred to in this subsection.

(2) The references in section 92 (As to supply to local authorities in the county of Nottingham) of the Act of 1899 to the said section 91 shall be construed as if the rate of five and a half per centum had been referred to in subsection (1) of the said section 91 in lieu of the rate of four per centum.

22. Notwithstanding anything contained in the Local Government and other Officers' Superannuation Act 1922 the Board shall be deemed to be a local authority within the meaning and for the purposes of that Act and the powers conferred by section 5 of that Act shall extend to enable the Board on the one hand and any one of the four corporations on the other hand to enter into combination for the purposes of the said Act and to enable any one of the four corporations on such terms and conditions as they think fit and with the approval of the Minister of Health to admit any officers or servants of the Board to participate in the benefits prescribed by the said Act in the like manner as though they were officers and servants of such corporation and the provisions of the said section 5 shall apply and have effect accordingly.

Provisions as to superannuation schemes.

23. Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the chancellor

Saving rights of Duchy of Lancaster.

A.D. 1927. for the time being of the said duchy first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said duchy.

Costs of Act.

24. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of their revenue and the contributions of the four corporations or out of moneys to be borrowed under the powers of the Act of 1899 or of the Act of 1901 or of the Act of 1920.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.