



## CHAPTER xv.

An Act to authorise the urban district council of Church Stretton to purchase the undertaking of the Church Stretton Waterworks Company and to supply water and for other purposes in connexion therewith. A.D. 1912.

[25th June 1912.]

**W**HEREAS the urban district of Church Stretton in the county of Salop (in this Act called "the district") is under the local government of the urban district council of Church Stretton (in this Act called "the Council"):

And whereas the Church Stretton Waterworks Company (in this Act called "the Company") were by the Church Stretton Water Act 1899 incorporated and authorised to construct waterworks and to supply water within the parish of Church Stretton:

And whereas the authorised capital of the Company is twenty thousand pounds in two thousand shares of ten pounds each of which seventeen thousand pounds has been issued and is fully paid and the Company have issued debenture stock to an amount of four thousand two hundred and fifty pounds and owe a sum of one thousand and fifty pounds four shillings and four pence:

And whereas the Company have constructed waterworks and are supplying water within their limits of supply:

And whereas by section 52 (Power to local authorities to purchase undertaking) of the Act of 1899 it is provided as follows (that is to say):—

- (1) If the Church Stretton Rural District Council or the council of any district within the limits of supply which shall have been constituted an urban district

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or the said councils jointly shall at any time within ten years after the expiration of twelve months from the time when the Company commence to supply water by means of the works to be constructed under the authority of this Act introduce a Bill into Parliament and bonâ fide promote the same to empower them inter alia to purchase the entire undertaking and works of the Company the Company shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit And if the said councils or either of them obtain an Act authorising such purchase and give a written notice of their intention to purchase within six months of the passing of such Act the Company shall at the expiration of such six months sell and transfer and the council or councils so authorised as aforesaid shall purchase and acquire the undertaking property rights powers and privileges of the Company subject to all the then existing mortgages obligations and liabilities of the undertaking:

- (2) Any such sale and purchase shall be for such price or consideration and on such terms and conditions as may be agreed upon between the Company and the council or councils so authorised as aforesaid or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the council or councils so authorised as aforesaid and the expression "lands" shall mean the undertaking of the Company Provided that in addition to the sum to be paid by the council or councils to the Company under the foregoing provisions of this section the council or councils shall pay to the Company the actual costs of obtaining this Act and the costs of and incidental to the winding-up of the Company:

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And whereas the Company have constructed all or some of the works authorised by the Act of 1899 and commenced to supply water on the twenty-fifth day of March 1901:

And whereas by an order of the county council of Salop dated the sixth September 1899 part of the parish of Church Stretton was formed into the urban district of Church Stretton and the remaining parts were constituted the civil parishes of Little Stretton and All Stretton:

And whereas it is expedient that the water supply of the district should be under the control of the Council and that the undertaking of the Company should be transferred to and vested in the Council in manner provided by this Act and that further provision should be made in regard to the supply of water within the limits of this Act:

And whereas it is expedient that the Council should be authorised to borrow money for the purchase of the undertaking of the Company and for the other purposes in this Act specified:

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

And whereas an absolute majority of the whole number of the Council at a meeting held on the seventeenth day of October one thousand nine hundred and eleven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Church Stretton Advertiser a local newspaper published and circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said Church Stretton Advertiser and has received the approval of the Local Government Board:

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

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A.D. 1912. And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule to the Borough Funds Act 1903 have been observed:

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

PRELIMINARY.

Short title. 1. This Act may be cited as the Church Stretton Urban District Water Act 1912.

Incorporation of Acts. 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):—

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

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

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

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

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

“The district” means the urban district of Church Stretton;

“The Council” means the urban district council of the district;

“The clerk” means the clerk of the Council;

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the district; A.D. 1912.

“The Company” means the Church Stretton Waterworks Company;

“The Act of 1899” means the Church Stretton Water Act 1899;

“The undertaking of the Company” includes all the waterworks mains pipes machinery lands buildings and plant and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by and all rates rents or moneys due and payable on revenue account to but not actually received by the Company at the date of the transfer of their undertaking to the Council under the provisions of this Act except the books and papers relating exclusively to the shareholders in and the members and constitution of the Company and except the stock-in-trade and stores referred to in the section of this Act whereof the marginal note is “Purchase of stock-in-trade” and except cash in hand (other than consumers’ deposits) and at the Company’s bankers;

“Daily penalty” means a penalty for every day on which any offence is continued by a person after conviction thereof;

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

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or

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paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

Limits of supply.

4. The limits of the Council for the supply of water (in this Act called "the limits of supply") shall be the district and the civil parishes of Little Stretton and All Stretton in the county of Salop.

Sale of plant outside district.

5. If at any time after the passing of this Act any local authority whose district is beyond the district of the Council but as to the whole or any part thereof within their limits for the supply of water shall give not less than six months' notice in writing to the Council of their desire to purchase such portion of the waterworks and plant of the Council as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking and plant of the Council (except the reservoirs mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Council for the supply of water) and to supply water within such district then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the waterworks and plant of the Council (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as may be otherwise provided for by Parliament The Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from

sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Council to supply water within the district of the purchasing authority shall cease and determine. A.D. 1912.

TRANSFER OF UNDERTAKING.

6.—(1) The Company shall sell to the Council and the Council shall purchase the undertaking of the Company for such price or consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Company and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the Promoters of the undertaking" shall mean the Council and the expression "lands" shall mean the undertaking of the Company. Company to sell their undertaking to Council.

(2) Within six months after the passing of this Act the Council shall serve upon the Company notice of their intention to purchase the undertaking of the Company.

(3) In addition to the purchase price or consideration the Council shall repay to the Company—

(A) The costs of obtaining the Act of 1899 ;

(B) The taxed costs and expenses incurred by the Company in obtaining clauses and amendments for their protection in the Bill for this Act ;

(C) The taxed costs of and incidental to any arbitration with and the transfer of the undertaking of the Company to the Council and the winding up of the Company ;

(D) The actual amount expended by the Company with the consent of the Council on capital account in pursuance of the provisions of the section of this Act whereof the marginal note is "Maintenance of undertaking by Company till transfer" :

And the costs and expenses referred to under paragraphs (B) and (C) of this subsection shall be taxed on the application of either the Company or the Council in the case of those under paragraph (B) by the taxing officer of the House of Lords or

A.D. 1912. of the House of Commons and in the case of those under paragraph (c) by a taxing master of the Supreme Court.

(4) The Council shall pay the purchase money to the Company on such day as may be agreed between the Council and the Company or failing agreement on the twenty-fourth day of March the twenty-third day of June the twenty-eighth day of September or the twenty-fourth day of December which shall first happen after the expiration of two months from the determination by agreement in writing or by the award of the arbitrators or umpire of the amount of the purchase money and upon such payment the undertaking of the Company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council free from all charges debts and liabilities upon or affecting the same and the date of such payment transfer and vesting are in this Act referred to as "the day of transfer."

(5) The production of a King's printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by two directors or a director and the secretary of the Company or by the cashier of the Bank of England shall (unless it be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer.

Purchase of  
stock-in-  
trade.

7. The Company shall sell to the Council and the Council shall purchase the stock-in-trade and stores of the Company as they stand on the day of transfer at such price as shall be agreed upon between the Company and the Council or as failing agreement shall be determined by a valuer to be agreed upon between the parties or failing agreement to be nominated by the President of the Surveyors' Institution upon the application of either party and the decision of such valuer as to what is comprised in such stock-in-trade and stores shall be final and conclusive.

Receipt for  
purchase  
money.

8. The receipt in writing of two directors of the Company for any money to be paid to the Company by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Council



are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of two directors of the Company. A.D. 1912.

9.—(1) From and after the day of transfer the Company shall subsist only for the purpose of paying their debts and liabilities and of receiving and recovering the sums payable to them as provided by this Act and distributing the same and the purchase money and other moneys payable to the Company ~~in accordance with the provisions of this Act and for winding up the affairs of the Company and carrying into effect the purposes of this Act so far as they relate to the Company and the directors of the Company who are in office at the day of transfer and the survivors or survivor of them shall continue in office without re-election and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.~~ Winding-up of Company.

If the number of directors of the Company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors shall from time to time choose a person or persons who is or are or immediately before the day of transfer was or were a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

(2) The Company may out of the moneys paid to them by the Council under the provisions of this Act set aside such a sum as the Company may in general meeting determine to be paid over to the directors for the time being and to be distributed as they or a majority of them may determine as remuneration for services as directors and by way of compensation for loss of office.

(3) As soon as may be after the day of transfer the Company shall subject to the provisions of this Act be wound up under and in accordance with the provisions of and in the same manner and with the same incidents as if the Company were a company registered under the Companies (Consolidation) Act 1908 and had on the day of transfer duly passed a special resolution requiring the Company to be wound up voluntarily

A.D. 1912. and for the purposes of such winding-up the Company shall from and after the passing of this Act be deemed to be registered in England under the said Act. And for the purposes of calling and holding meetings and passing resolutions and other matters incident to such winding-up resolutions of meetings of the Company duly convened and held may and shall take effect as resolutions of a company duly registered and all moneys paid by the Council to the Company shall be applied by the liquidator as part of the assets.

(4) After the day of transfer and until the Company shall be finally wound up and dissolved the Company shall be entitled to retain the directors' minute books and register of shareholders and other books relating solely to the holders of shares in and to the constitution of the Company and shall have access at all reasonable times to the other books documents and accounts relating to the transferred undertaking for the purpose of making up the accounts of the Company to the day of transfer and for all other reasonable purposes in relation to the winding-up of the Company and upon the winding-up of the Company the said books retained by them (other than such of the books of the Company as relate exclusively to the shareholders in and the members and constitution of the Company) shall be handed over to the Council.

(5) On the completion of the winding-up of the affairs of the Company in accordance with the provisions of this Act the Company shall by virtue of this Act be dissolved.

Company to pay outgoings and be entitled to receipts until transfer.

**10.** The Company shall bear and pay all outgoings of every kind and shall be entitled to all receipts from their undertaking up to the day of transfer and as from that day all outgoings shall be borne and paid by the Council. Provided that nothing in this Act contained shall entitle the Company to retain for their own benefit so much of any water rates or rents or other payments paid or payable in advance as shall be attributable to any period after the day of transfer but such rates rents or other payments shall be apportioned and so much thereof as is attributable to any period after the day of transfer shall be paid over by the Company to the Council.

Maintenance of undertaking by Company till transfer.

**11.** Until the day of transfer the undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business with all due care

but the Company shall not without the previous consent of the Council raise any further capital or make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

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**12.** Subject to the provisions of this Act all debts and liabilities secured upon or affecting the undertaking or due from or payable by the Company which at the day of transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the Company and the Company shall indemnify the Council against the same and if at the day of transfer any action arbitration or proceeding or any cause of ~~action arbitration or proceeding is pending or existing~~ against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the Company as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not passed.

Liabilities to be defrayed by Company.

**13.** Subject to the provisions of this Act all agreements contracts conveyances deeds and other instruments affecting the undertaking of the Company and in force at the day of transfer shall after the transfer be as binding and of as full force and effect against or in favour of the Council and may be enforced as fully and effectually as if instead of the Company the Council had been a party thereto.

Contracts of Company to be binding on Council.

**14.** All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Company shall after the day of transfer be admitted in evidence in respect of the same or the like matter for or against the Council.

Books and documents to remain evidence.

#### SUPPLY OF WATER.

**15.** The following sections of the Act of 1899 shall from and after the day of transfer apply as if the Council were therein named instead of the Company (that is to say):—

Section 23 (Power to make works):

Section 24 (Power to make subsidiary works):

Application to Council of certain sections of Act of 1899 and repeal of remaining sections.

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- Section 25 (Power to take waters):
- Section 26 (As to compensation water):
- Section 27 (Limits of deviation):
- Section 28 (For protection of Great Western and London and North Western Railway Companies):
- Section 29 (Power to agree as to drainage of lands &c.):
- Section 32 (Power to owners to grant easements &c.):
- Section 33 (Purchase of lands by agreement):
- Section 35 (Constant pressure):
- Section 36 (Rates at which water is to be supplied for domestic purposes) except the first proviso to such section:
- Section 37 (Rates for waterclosets and baths):
- Section 40 (Company not bound to supply several houses by one pipe):
- Section 41 (Notice of discontinuance):
- Section 42 (Byelaws for preventing waste &c. of water):
- Section 43 (Supply of water for other than domestic purposes and by measure):
- Section 44 (Power to sell or let meters &c.):
- Section 45 (Notice to Company of connecting or disconnecting meters):
- Section 46 (Injuring meters &c.):
- Section 47 (Power to supply materials):
- Section 48 (Contracts for supplying water in bulk).

From and after the day of transfer the remaining sections of the Act of 1899 shall be and are hereby repealed except so far as may be necessary for winding up the affairs of the Company.

Maintenance of works of Company after transfer.

**16.** From and after the day of transfer the Council may maintain continue repair renew carry on alter and extend the works comprised in the undertaking of the Company and may use the same for the purpose of supplying water in pursuance of this Act and the Act of 1899.

Power to lay pipes in streets not

**17.** The Council may on the application of the owner or occupier of any premises within the district abutting on or

being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts.

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dedicated to public use.

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

Rates payable by owners of small houses.

**19.** When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Council may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates or water rents.

Supply of water by hose-pipes to stables &c.

**20.** The Council may require that all premises situate on land at a higher level than seven hundred feet above Ordnance datum to which a supply of water is furnished by them shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such premises for a period of forty-eight hours and a cistern shall not be deemed to be a proper cistern within the meaning of section 54 of the Waterworks Clauses Act 1847 unless it is in conformity with the requirements of the Council under this section.

Cisterns to be provided for high-level supplies.

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

Supply to houses partly used for trade.

(2) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for

A.D. 1912. farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the rateable value thereof.

Power to  
remove  
meters and  
fittings.

**22.** The Council by their agents or workmen after forty-eight hours notice in writing under the hand of the clerk to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Occupation  
of houses  
without  
proper water  
supply.

**23.** The owner of any dwelling-house within the district which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the dwelling-house was erected before the passing of this Act and such supply is not available.

For pro-  
tection of  
county  
council of  
Salop.

**24.** The reinstatement of any main road within the county of Salop broken up under the powers of this Act shall include the application of a sufficient layer of surface metalling of the same specification as that employed by the road authority for the particular road and where the road is ordinarily repaired by the use of a steam or other roller shall include the use of such roller on the places where the road has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining.

#### FINANCIAL PROVISIONS.

Power to  
borrow.

**25.—**(1) The Council may independently of any other borrowing power borrow at interest any sum or sums of money for the following purposes not exceeding the respective amounts following (that is to say):—

(A) For the purchase of the undertaking of the Company and for defraying the costs and expenses incident to

such purchase and to the transfer of such undertaking to the Council (other than the costs of this Act) such sum or sums as may be necessary; A.D. 1912.

(B) For paying the costs charges and expenses referred to in the section of this Act whereof the marginal note is "Costs of Act" the sum requisite for that purpose; and with the consent of the Local Government Board such further money as may be necessary for the extension of mains for working capital or for any of the purposes of this Act or of the water undertaking of the Council.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of their water undertaking and (if necessary) the district fund and general district rate.

**26.** In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the powers of the Council of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts. Certain provisions of Public Health Act not to apply.

**27.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issues 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 Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act. Mode of raising money.

**28.** The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Council under this Act as if they were with necessary modifications re-enacted in this Act. Provisions as to mortgages.

**29.** A person lending money to the Council shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable Protection of lenders from inquiry.

A.D. 1912. for any loss misapplication or non-application of the money lent or of any part thereof.

Repayment  
of borrowed  
money.

**30.** All moneys borrowed by the Council under the authority of this Act shall be paid off within the periods herein-after respectively mentioned (in this Act referred to as "the prescribed period") (that is to say):—

As to moneys borrowed for the purposes (A) in the section of this Act whereof the marginal note is "Power to borrow" within forty-five years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (B) in the said section mentioned within five years from the passing of this Act; and

With respect to moneys borrowed by the Council under the authority of this Act and with the consent of the Local Government Board within such period not exceeding sixty years as that Board may prescribe.

Mode of  
payment off  
of money  
borrowed.

**31.** The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking  
fund.

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

(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 herein-after 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 per



centum per annum 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 herein-after called "an accumulating sinking fund." A.D. 1912.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in any statutory security the Council being at liberty from time to time to vary and transpose such investments.

~~(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.~~

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council 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 so applied, if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)--(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 Council:

(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.

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

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(7) If it appears to the Council 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 accumulations thereon (in the case of an accumulating sinking fund) will probably 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 Council 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 Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) 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 Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) 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 as the Council with the consent of the Local Government Board may determine.

Return  
to Local  
Government

**33.**—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve

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

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Board as to  
repayment  
of debt.

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

A.D. 1912.

Power to  
re-borrow.

**34.**—(1) The Council shall have power—

- (A) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
- (B) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purpose of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (A) by instalments or annual payments; or
- (B) by means of a sinking fund; or
- (C) out of moneys derived from the sale of land; or
- (D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Council not  
to regard  
trusts.

**35.** The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan borrowed given or issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the

Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. A.D. 1912.

**36.**—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole. Appoint-  
ment of  
receiver.

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

**37.** The Council shall apply all moneys received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account in manner and in the order following (that is to say):— Application  
of revenue.

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

Secondly In payment of the interest on moneys borrowed for the purposes of the undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking:

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth

A.D. 1912.

of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum:

And as to so much of any balance remaining in any year of the money so received (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith the same shall be carried to the credit of the district fund.

Deficiency in receipts to be made good out of district fund.

**38.** Any deficiency in the revenues or receipts of the Council on account of their water undertaking shall be made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Application of money borrowed.

**39.** All money borrowed by the Council under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Application of moneys arising from sale of lands.

**40.** The Council shall apply all moneys received by them in respect of any sales exchanges or disposition of lands or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act or the provisions incorporated therein and any other moneys received by the Council on capital account under this Act or the said incorporated provisions in or towards paying off any moneys borrowed and for the time being owing by the

Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council. Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments except to such extent and upon such terms as may be approved by the Local Government Board. A.D. 1912.

**41.** Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate. Expenses of execution of Act.

~~**42.**—(1) The Council shall keep the accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from revenue.~~ Separate accounts to be kept and audited.

(2) Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committee and officers under this Act and to the audit of such accounts.

#### MISCELLANEOUS.

**43.** Where any notice or demand under this Act or the Act of 1899 incorporated therein requires authentication by the Council the signature thereof by the clerk or other duly authorised officer of the Council shall be a sufficient authentication. Notices demands orders and other documents required or authorised to be served under this Act or the provisions incorporated therein may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business. Authentication and service of notices &c.

**44.** Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative. Penalties not cumulative.

**45.** Save as otherwise by this Act expressly provided all offences against this Act or the Act of 1899 and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted Recovery of penalties &c.

A.D. 1912. and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid to treasurer.

**46.** All penalties recovered by the Council or any officer of the Council on their behalf under this Act or the Act of 1899 or any byelaw thereunder shall be paid to the treasurer of the Council and carried by him to the credit of the district fund.

Informations by whom to be laid.

**47.** Save as otherwise in this Act specially provided all informations and complaints under or for the breach of any of the provisions of this Act or the Act of 1899 or of any byelaw made thereunder may be laid by any officer of the Council duly authorised in that behalf or by the clerk.

Recovery of demands in county court.

**48.** Proceedings for the recovery of any demand made under the authority of this Act or the Act of 1899 whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Contents of summons.

**49.** Where the payment of more than one sum by any person is due under this Act or the Act of 1899 any summons or warrant issued for the purpose of such Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Judges not disqualified.

**50.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or the Act of 1899 by reason of his being liable to any rate.

Persons acting in execution of Act not to be personally liable.

**51.** No matter or thing done or contract entered into by the Council nor any matter or thing done by the clerk or by any member or officer of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.



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

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Inquiries  
by Local  
Government  
Board.

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

**53.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Crown  
rights.

**54.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

Costs of  
Act.

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