



CHAPTER xxxi.

An Act to authorise the Rhyl Urban District Council to construct new waterworks to confer upon the Council further powers in regard to their water undertaking and for other purposes.

A.D. 1932.

[16th June 1932.]

WHEREAS the urban district of Rhyl in the county of Flint (in this Act called "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of that district (in this Act called "the Council") :

And whereas the Council are the owners of waterworks and supply water throughout the district and adjoining places and it is desirable that the sources of such supply should be extended and improved :

And whereas it would be of public and local advantage if the Council were empowered to obtain a supply of water from the river Aled Llyn Aled and Llyn y Foel-frêch and their respective tributaries and feeders in the county of Denbigh and for that purpose to acquire lands and to construct and maintain the waterworks and other works in this Act mentioned and it is expedient to confer further powers upon the Council in relation to their water undertaking :

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

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

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

The construction of the works other than aqueducts authorised by Part II (Waterworks) of this Act - - -	£	65,250
The construction of the aqueducts authorised by the said Part II -		58,880
For additional mains or other purposes in connection with the supply of water by the Council - - -		5,000

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

And whereas plans 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 county council of Denbigh which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 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 :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Rhyl Urban District Council Act 1932.

2. This Act is divided into Parts as follows :—	A.D. 1932.
Part I.—Preliminary.	—
Part II.—Waterworks.	Division of
Part III.—Lands.	Act into
Part IV.—Supply of water.	Parts.
Part V.—Financial and miscellaneous provisions.	

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 incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands :

Provided that the bond required by section 85 of the said Act of 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section ;

The Waterworks Clauses Acts 1847 and 1863 except 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 said Act of 1847 and except sections 75 to 82 of that Act with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 of that Act relating to accounts Provided that section 7 of that Act shall for the purpose of its incorporation with this Act have effect as if the words “ clerk of the county council ” were substituted for the words “ clerk of the peace ” ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway.

4.—(1) The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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And in this Act unless the subject or context otherwise requires—

- “The Council” means the Rhyl Urban District Council;
- “The district” means the urban district of Rhyl;
- “The Act of 1892” and “the Act of 1901” mean respectively the Rhyl Improvement Act 1892 and the Rhyl Improvement Act 1901;
- “The water undertaking” means the water undertaking of the Council as from time to time authorised;
- “The limits of supply” means the limits within which the Council are for the time being authorised to supply water;
- “The clerk” means the clerk to the Council;
- “The county council” means the county council of the administrative county of Denbigh;
- “The fishery board” means the board of conservators of the fishery districts of the rivers Elwy and Clwyd;
- “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;
- “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;
- “The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the district;
- “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 debentures 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; A.D. 1932.

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

“The revenues of the Council” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being belonging to the Council and the rates or contributions leviable by or on the order or precept of the Council.

(2) For the purposes of this Act the expressions “the promoters of the undertaking” “the company” and “the undertakers” in the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 shall be construed to mean the Council and in the Railways Clauses Consolidation Act 1845 the expression “the railway” shall be construed to mean the works by this Act authorised and the expression “the centre of the railway” shall be construed to mean in the case of a reservoir the boundary of that reservoir and in the case of any other work the centre of that work.

PART II.

WATERWORKS.

5.—(1) Subject to the provisions of this Act the Council may in the county of Denbigh and in the lines and situations and upon the lands delineated on the Power to make works.

A.D. 1932. deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say) :—

Work No. 1 Llyn Aled reservoir A storage reservoir (to be called "the Llyn Aled reservoir") in the parishes of Bylchau and Llansannan being an enlargement of the existing Llyn Aled and to be formed by means of a dam across the river known as the Afon Aled;

Work No. 2 An aqueduct conduit or tunnel in the parish of Llansannan commencing in the Llyn Aled reservoir and terminating in the Afon Aled;

Work No. 3 Road diversion A new road or road diversion in the parish of Llansannan commencing and terminating in the existing old Llansannan to Pentre-Foelas road;

Work No. 4 Track diversion A diversion of a portion of the track in the parish of Llansannan leading from the said existing old Llansannan to Pentre-Foelas road through the ford in the stream known as Nant-y-Foel Frêch commencing in the road diversion Work No. 3 at a point three hundred and twenty feet or thereabouts measured in a straight line from the northern extremity of the Llyn Aled and terminating in the said track one hundred and ninety-six feet or thereabouts from the point of commencement;

Work No. 5 Aled Isaf reservoir A storage reservoir (to be called "the Aled Isaf reservoir") in the parish of Llansannan to be formed by means of a dam across the river known as the Afon Aled near the ford known as Rhÿd-y-Bedd;

Work No. 6 Road diversion A new road or road diversion in the parish of Llansannan commencing in the said existing old Llansannan to Pentre-Foelas road at a point seven hundred and sixty-five feet or thereabouts measured in a straight line from the junction of the stream known as Nant Bâch with the Afon Aled crossing the Afon Aled by means of a bridge and terminating in the said existing road;

Work No. 7 Road diversion A new road or road A.D. 1932.
diversion in the parish of Llansannan com-
mencing and terminating in the said existing
old Llansannan to Pentre-Foelas road;

Work No. 8 An aqueduct or line or lines of pipes
(not exceeding three in number) commencing
in the parish of Llansannan in the Aled Isaf
reservoir passing through the parish of Llan-
nefydd and terminating in the parish of Cefn
at the existing (Glascoed) waterworks of the
Council:

Provided that neither Work No. 5 nor so much of
Work No. 8 as lies between Work No. 5 and the outlet
from the existing Plas Uchaf reservoir shall be con-
structed until the Minister of Health on the application
of the Council has sanctioned the construction thereof
by order which he is hereby authorised to make.

(2) In addition to the foregoing works the Council
may upon the lands acquired by them for the purposes
of or in connection with the water undertaking whether
under the provisions of this or any other Act make and
maintain all such cuts channels adits catchwaters pump
houses tanks filter beds overflows shafts tunnels pipes
bores aqueducts culverts conduits mains drains sluices
byewashes waste water channels gauges banks walls
bridges roads ways embankments approaches telegraphs
telephones and other subsidiary works engines machinery
plant buildings and apparatus as may be necessary or
convenient in connection with or subsidiary to the
before-mentioned works or any of them or for the
purposes of their water undertaking but nothing in this
subsection shall exonerate the Council from any action
indictment or other proceeding for nuisance in the event
of any nuisance being caused or permitted by them.

6. Subject to the provisions of this Act the works
to be constructed by the Council under the authority
of this Part of this Act shall for all purposes be deemed
to be part of the water undertaking. Works to
form part of
water under-
taking.

7. In the construction of the works authorised by
this Part of this Act the Council may deviate laterally to
any extent not exceeding the limits of lateral deviation Limits of
deviation.

A.D. 1932. — shown on the deposited plans (and where in any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards :

Provided that—

(a) the Council shall not construct the dam of either of the reservoirs (Works Nos. 1 and 5) of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding dam and five feet in addition ;

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

Temporary stoppage of streets.

8.—(1) The Council during the execution of the works by this Part of this Act authorised may break up and also temporarily stop up and interfere with any street for the purpose of executing such works and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any house in the street from passing along and using the same.

(2) The Council shall provide reasonable access for foot passengers bona fide going to or returning from any such house and for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of a railway company.

Power to stop up roads and footpaths.

9.—(1) Subject to the provisions of this Act the Council may stop up—

(a) so much of the existing old Llansannan to Pentre-Foelas road in the parish of Llansannan as lies between the commencement and termination of Work No. 3 ;

(b) so much of the track leading from the said old Llansannan to Pentre-Foelas road as lies between the commencement and termination of Work No. 4 ;

- (c) so much of the said old Llansannan to Pentre-
Foelas road as lies between the commencement
and termination of Work No. 6; A.D. 1932.
—
- (d) so much of the said old Llansannan to Pentre-
Foelas road as lies between the commencement
and termination of Work No. 7 :

Provided that the Council shall not stop up the respective portions of roads described in paragraphs (a) (c) and (d) until the road diversions relating thereto (Works Nos. 3 6 and 7) authorised by this Part of this Act are respectively completed to the satisfaction of the road authority and are open for public use or in case of difference in any of the said cases between the Council and the road authority as to the completion of any of the said road diversions until two justices of the county of Denbigh shall have certified that the same have respectively been completed to their satisfaction and are open for public use :

Provided also that before applying to a court of summary jurisdiction acting for the area in which the roads are situate for the appointment of two justices to view such roads for the purpose of giving such certificate the Council shall give to the road authority fourteen days' notice in writing of their intention to apply for the same.

(2) All public rights of way over so much of any other highways (whether roads or footpaths) as will be submerged by the construction of the Llyn Aled reservoir or the Aled Isaf reservoir shall as from the commencement of the filling of that reservoir be also extinguished.

(3) As from the completion of each of the road diversions authorised by this Part of this Act to the satisfaction of the road authority or as from the date of the said certificate in respect thereof or as from the completion of the track diversion Work No. 4 (as the case may be) all rights of way over or along such portions of existing road or track as will be rendered unnecessary by the new portion of road or track shall be extinguished and those portions of existing road or track may be stopped up by the Council.

(4) The Council may subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines

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appropriate and use for the purposes of the water undertaking the site of any portion of road track bridle path or footpath stopped up under the powers of this Part of this Act as far as the same is bounded on both sides by lands of the Council and the sites of the portions of road track bridle path or footpath so stopped up shall be vested in the Council.

(5) The Council shall make full compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by this Act with reference to the taking of lands otherwise than by agreement.

(6) The new roads or road diversions authorised or required by this Part of this Act shall be maintained in repair by and at the cost of the Council during the whole period of the construction of all the works by this Act authorised necessitating the haulage of materials over such new roads or road diversions and for one year after the completion of the aforesaid works and upon the expiration of the said period of one year shall be repairable by the road authority of the district in which the same are respectively situate.

Power to
take waters.

10. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purpose of the water undertaking the waters of the river Aled Llyn Aled and Llyn y Foel-frêch and their respective tributaries and all such springs streams and waters (whether above or below ground) as may be intercepted by the Works Nos. 1 and 5 authorised by this Part of this Act or as may be situate or flowing upon any of the lands shown on the deposited plans as within the limit of land to be acquired.

Restriction
on taking
water at
Llyn Aled
reservoir.

11. The Council shall not by means of the Llyn Aled reservoir (Work No. 1) by this Act authorised or during the construction and at the site thereof collect impound take use divert or appropriate any water under the powers of the section of this Act whereof the marginal note is "Power to take waters" except during any time when the flow of water in the river Aled at the gauge weir referred to in subsection (1) of the section of this Act whereof the marginal note is

“ Compensation water ” shall be in excess of the rate of five hundred thousand gallons per day of twenty-four hours. A.D. 1932.
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12.—(1) If the works authorised by this Part of this Act are not completed within the period of ten years from the thirty-first day of December one thousand nine hundred and thirty-two or such extended period as the Minister of Health may by order sanction then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of works.

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

13.—(1) Before commencing the construction of the waterworks the Council shall construct (except if and so far as the same shall then already have been constructed) in the river Aled at a point below and not more than two hundred yards from the proposed site of the dam of the Aled Isaf reservoir (Work No. 5) by this Part of this Act authorised and below the proposed position of the point of outlet from that reservoir referred to in subsection (3) of this section an efficient gauge weir and automatic recording apparatus and shall by means thereof take and record the continuous gauging of the flow of water in the said river throughout the period from the completion of the construction of the said weir and apparatus until the time when the construction of the said reservoir has been completed and the storage of water therein has commenced. Compensation water.

(2) Upon the completion of the construction of the said reservoir and the commencement of the storage of water therein the Council shall forthwith cause the assessable flow (in this section referred to as “the assessable flow”) of the river Aled at the said gauge weir to be determined in manner provided by

A.D. 1932. subsection (11) of this section by means of the said continuous gauging for the said period.

(3) From and after the completion and filling and bringing into use of the said reservoir the Council shall cause to flow in a regular and continuous flow from and out of the said reservoir or the works immediately connected therewith into the river Aled at a point therein situate not more than two hundred yards below the foot of the dam of the said reservoir a quantity of water per day of twenty-four hours on every day in the year which shall be not less than five hundred thousand gallons provided that if (a) the assessable flow shall be such that the quantity representing thirty-five one-hundredth parts thereof shall exceed five hundred thousand gallons and (b) the fishery board or the county council within six months after receiving the notice in writing referred to in subsection (11) of this section shall by notice in writing to the Council elect to substitute the said quantity in place of the said five hundred thousand gallons then the quantity of water which the Council shall so cause to flow shall be a quantity equal to thirty-five one-hundredth parts of the assessable flow.

(4) Until the completion of the construction of the said reservoir and the determination of the assessable flow as aforesaid the Council shall not collect impound take use divert or appropriate any water under the powers of the section of this Act whereof the marginal note is "Power to take waters" during such time as the flow of water in the river Aled at the said gauge weir shall be less than at the rate of five hundred thousand gallons per day of twenty-four hours but during such time as the flow is in excess of that rate the Council may take all of the excess or such part thereof as they may require.

(5) After the completion of the construction of the said reservoir and the determination of the assessable flow as aforesaid and until the said reservoir is filled and brought into use the Council shall not collect impound take use divert or appropriate any water under the powers of the section of this Act whereof the marginal note is "Power to take waters" during such time as the flow of water in the river Aled at the said gauge weir shall be less than at the rate at which the Council would

be required by subsection (3) of this section to cause water to flow out of the said reservoir if the same had then already been filled and brought into use but during such time as the flow is in excess of that rate the Council may take all of the excess or such part thereof as they may require.

(6) After the said reservoir and the aqueduct (Work No. 8) by this Act authorised have been completed and brought into use no water shall be pumped from the river Aled at the existing pumping station of the Council near Bryn-Aled except in case of a breakdown of any of the works or apparatus of the Council for the supply of water and until the said reservoir and aqueduct shall be completed and brought into use water shall be abstracted by the Council from the said river at the said pumping station only when the flow of the said river at the weir near the said pumping station is in excess of five million gallons in twenty-four hours.

(7) After the said reservoir and the said aqueduct have been completed and brought into use—

(a) the Council shall not use any water from their existing impounding reservoirs known as "Plas Uchaf reservoir" and "Dolwen reservoir" except in case of a breakdown of any of the works or apparatus of the Council for the supply of water but shall allow the said existing reservoirs to overflow so as to pass the natural flow from the drainage areas thereof into the stream below those reservoirs which is a tributary of the river Elwy; and

(b) if so requested by the fishery board the Council so long as the said reservoirs shall be in use for the storage of water shall discharge stored water from such reservoirs into the said stream as may be required by that board from time to time Provided that the Council shall not be required to draw down the water in either of the said existing reservoirs more than six feet below the top water level of such reservoir.

(8) The Council shall at all times after the construction thereof maintain the said gauge weir and

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— automatic recording apparatus so that the same shall be efficient for the purpose of gauging and recording the flow of water referred to in subsections (1) (3) (4) and (5) of this section and the same shall be so maintained by the Council to the reasonable satisfaction of the county council and the fishery board and such weir and apparatus and all records obtained by means thereof shall be open at all reasonable times to the inspection of the county council and the fishery board or their respective duly authorised officers and to all persons interested in the flow of the water in the said river.

(9) If the Council commit any breach of any of the foregoing provisions of this section they shall for every day on which such breach occurs forfeit and pay to each of the persons affected by such breach (including the county council and the fishery board) who may sue for and recover the same the sum of five pounds recoverable in the county court of the district and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them by reason of such breach the amount of such compensation to be determined in default of agreement by arbitration.

(10) If any difference shall arise between the Council and any of the persons referred to in subsection (8) of this section with respect to the construction maintenance or use of any gauge weir or recording apparatus in this section referred to or the state of repair or condition thereof such difference shall be referred to arbitration.

(11) For the purposes and within the meaning of this section the assessable flow shall be the volume of water per day of twenty-four hours of assessable flow calculated according to the method described in paragraph 46 of the report of the Technical Sub-Committee of the Advisory Committee on Water of the Ministry of Health issued by the said advisory committee under date of April one thousand nine hundred and thirty and published by His Majesty's Stationery Office (32-285) and the determination of rainfall for the purpose of calculating the assessable flow by that method shall be subject to the concurrence of the Director of the Meteorological Office of the Air Ministry Within a

period of six months after the completion filling up and bringing into use of the said reservoir the assessable flow shall be determined according to the said method of calculation by an engineer who shall be appointed for that purpose by the President of the Institution of Civil Engineers and the determination of the said engineer shall be final and binding on all parties concerned and shall forthwith be announced by the Council by advertisement in the London Gazette and/or a newspaper or newspapers circulating in the district and in the county of Denbigh and by notice in writing to the fishery board the Minister of Health and the county council Provided always that the said engineer in determining the assessable flow shall take into account the quantity of water stored from time to time in Work No. 1 The production of the London Gazette or the said newspaper or newspapers containing such advertisement shall be prima facie evidence of the said determination. A.D. 1932.

(12) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Council are authorised to collect impound take use divert or appropriate under the section of this Act whereof the marginal note is "Power to take waters."

14.—(1) The Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water. Byelaws for preventing pollution of water.

(2) The byelaws made under this section shall be in force within the parishes of Llanfair Talhaiarn Bylchau and Llansannan or within such parts of those parishes as may be defined in the byelaws.

(3) In addition to the requirements of section 184 of the Public Health Act 1875 the Council shall exhibit in some conspicuous place in every parish within which or any part of which the byelaws are intended to be in force copies of the notice referred to in that section and any landowner who may be affected by any such byelaws

A.D. 1932. shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the county council of Denbigh and to the clerk to the St. Asaph (Denbigh) Rural District Council one month at least before application is made for their confirmation and before confirming the byelaws the Minister of Health shall have regard to any representations thereon which may be made within the said month by the said county council or the said rural district council.

(5) The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they apply to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this section.

(6) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the section of this Act whereof the marginal note is "Arbitration."

(7) Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any byelaw made under this section may be taken by the Council without the consent in writing of the Attorney-General.

Discharge of water into streams.

15.—(1) For the purpose of executing constructing enlarging extending altering repairing cleansing emptying or examining any reservoir tank aqueduct line of pipes or other work for the time being belonging to the Council the Council may cause the water in any such work to be discharged into any available stream watercourse or ditch Provided that any water so discharged shall be as free as may be reasonably practicable from mud or soil or offensive matter and

other matter injurious to fish or spawn or spawning beds or food of fish. A.D. 1932.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the section of this Act whereof the marginal note is "Arbitration."

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of any railway company.

16. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of the aqueduct or lines of pipes authorised by this Part of this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are by this Act authorised to construct lay down or erect for the purposes of the water undertaking : Application
of Water-
works
Clauses Act
1847.

Provided that the Council shall not lay down any such discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road bridge or approach of the London Midland and Scottish Railway Company except with the consent in writing of such company which consent shall not be unreasonably withheld.

17.—(1) If in the opinion of the Council it shall be expedient in order to preserve the purity of the water which they are by the Acts relating to the Council (including this Act) authorised to take to prohibit the washing of sheep (with or without the use of chemicals) in any of the waters of the river Aled or its tributaries within the drainage areas of the reservoirs by this Part of this Act authorised the Council shall have power to prohibit such washing of sheep Provided that before the Council carry this provision into effect in respect of any Sheep
washing.

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place where it has been the practice to wash sheep they shall give notice to the owners of and persons customarily using such washing place by advertisement in a newspaper circulating in the district in which such washing place is situate and shall also provide and maintain in the nearest convenient and available situation on their own lands another suitable washing place and also a suitable folding place in the vicinity thereof.

(2) Any person aggrieved by any prohibition issued by the Council under this section may within three months after the issue thereof appeal to a court of summary jurisdiction provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Council.

(3) In the event of any such appeal the court shall have power to cancel the prohibition or to allow the same unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.

For protec-
tion of Post-
master-
General.

18. Any telegraphs telephones posts wires conductors or apparatus made constructed laid down or erected by the Council under the provisions of this Act shall not be used for the transmission of telegrams in contravention of the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

For protec-
tion of
Clwyd
Catchment
Area Board
and other
drainage
authorities.

19. For the protection of the Clwyd Catchment Area Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Council have effect (that is to say):—

(1) In the laying or construction of the aqueduct and works incidental thereto authorised by this Part of this Act across any river stream water-course or drain in the county of Denbigh above

the water level thereof the Council shall not diminish the width between the banks of such river stream watercourse or drain and shall lay or construct such aqueduct and works at such height as to allow the free passage of flood waters thereunder. Where such aqueduct or works are proposed to be laid or constructed across any such river stream watercourse or drain otherwise than as aforesaid they shall be laid or constructed at such depth below the bed thereof as not to cause obstruction to the flow of water therein and as to allow of the proper cleansing or scouring of the river stream watercourse or drain and of the deepening of the bed thereof to a reasonable extent to allow of any necessary improvements :

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- (2) Before commencing to construct any such aqueduct or work across or under any river stream watercourse or drain the Council shall submit to the board or other the drainage authority for the time being having jurisdiction within the area in which such aqueduct or work will be situated for their reasonable approval a plan and section showing the proposed mode of constructing the same across or under such river stream watercourse or drain. Provided that if the board or such other authority as aforesaid do not express their approval or disapproval within twenty-one days after the receipt of any such plan and section they shall be deemed to have approved thereof and that if within the said period the board or such other authority as aforesaid shall have expressed their disapproval of such plan and section a difference shall be deemed to have arisen between them and the Council which shall be determined by arbitration as hereinafter provided :
- (3) Any difference which shall arise under this section between the Council on the one hand and the board or any such drainage authority as is referred to in subsection (2) of this section on the other hand shall be referred to and determined by an arbitrator to be agreed upon or failing agreement to be appointed on the

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application of either of the parties in difference (after notice in writing to the other of them) 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 arbitration.

As to supply
of water in
rural dis-
trict of
St. Asaph
(Denbigh).

20. From and after the completion and bringing into use of Work No. 5 and Work No. 8 by this Act authorised the following provisions shall subject to the provisions of this Act apply and have effect (namely) :—

- (1) The Council if and when required so to do by the St. Asaph (Denbigh) Rural District Council (in this section referred to as "the St. Asaph Council") shall supply to the St. Asaph Council for use in the parishes of Llansannan and Llannefydd or either of them (in addition to any other supply of water to which the St. Asaph Council may be entitled under any other enactment) such daily quantity of unfiltered water in bulk as the St. Asaph Council may from time to time require not exceeding to each of the said parishes a quantity equivalent to thirty gallons per head of double the population of each such parish according to the census of 1931 :
- (2) Any water supplied to the St. Asaph Council under the provisions of the immediately preceding subsection shall be used and distributed by the St. Asaph Council only for consumption within the area of the said two parishes or to consumers supplied direct by the St. Asaph Council for domestic purposes (including sanitary purposes at any railway station) or for the purposes mentioned in section 37 of the Waterworks Clauses Act 1847 or for any purposes of a public authority and no part thereof shall be supplied by the St. Asaph Council to any other authority or to any water company or any railway company (except for sanitary purposes at a railway station) or other undertaking so as to be distributed used or consumed outside the area of the said two parishes :
- (3) The Council if and when required so to do by the St. Asaph Council shall in addition to any daily

quantity of water to be supplied by the Council as provided by subsection (1) of this section supply to the St. Asaph Council such daily quantity of unfiltered water in bulk as the St. Asaph Council may from time to time require for use for domestic and farming purposes at and on farms wholly or in part situate within a distance of not exceeding two miles from the said Work No. 5 or the said Work No. 8 Provided that any supply of water under this subsection shall not interfere with the supply for domestic purposes within the limits of supply : A.D. 1932.

- (4) Any water to be supplied by the Council under the provisions of this section shall be delivered to the St. Asaph Council at such points on Work No. 5 or Work No. 8 as may be agreed upon between the St. Asaph Council and the Council or failing agreement shall be determined by arbitration as provided in this section and at such pressure as may be afforded at the point of delivery by the head of water available from time to time at Work No. 5 :
- (5) Before the St. Asaph Council shall be entitled to any supply of water as aforesaid they shall from time to time give not less than three months' notice in writing to the Council specifying the approximate quantity they require :
- (6) All water supplied to the St. Asaph Council under the provisions of this section shall be measured by a meter or other apparatus to be provided by the St. Asaph Council and reasonably approved by the water engineer to the Council Such meter or other apparatus shall be placed in some suitable chamber or building to be provided by the St. Asaph Council to the reasonable satisfaction of the Council and such meter and all pipes valves and other apparatus connecting it with Work No. 5 or Work No. 8 shall be fixed and constructed by the Council at the cost of the St. Asaph Council The Council shall at

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all reasonable times be at liberty to inspect 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 St. Asaph Council :

- (7) The register of any such meter shall be prima facie evidence of the quantity of water supplied by the Council through such meter :
- (8) If at any time any such meter shall cease to register or shall register incorrectly or shall be removed for the purpose of repair then until either such meter shall be repaired and refixed so as to register correctly the quantity of water passing through the same or the same or some other meter correctly registering the water has been fixed the meter shall be deemed to have ceased to register or to register correctly or to have been removed (as the case may be) immediately after the date on which the meter was previously read by the Council and as from that date the Council shall be entitled to charge and the St. Asaph Council shall be liable to pay for a daily quantity of water equal to the average daily quantity of water taken by the Council under this section during the nearest corresponding period of the previous year through that meter In the event of any such meter at any time ceasing to register or registering incorrectly the St. Asaph Council on becoming aware thereof shall repair the same or replace the same with a correct meter within a reasonable time in that behalf and in the event of any meter being removed for the purpose of repair the St. Asaph Council shall refix or replace the same within a reasonable time in that behalf :
- (9) The price to be paid by the St. Asaph Council to the Council for water supplied under this section shall be one shilling per one thousand gallons payable quarterly :
- (10) All payments to be made under this section in respect of any quarter of the year shall be made within twenty-eight days of the end of the quarter :

- (11) The Council shall not be liable for any damage which may be caused to the St. Asaph Council or to any other person or persons by any failure or deficiency in the supply of water required to be given under this section if such failure or deficiency shall be occasioned by frost drought bursting of pipes insufficiency of pressure or unauthorised interference with or accidental damage to the works or plant of the Council or during any time when the works or plant of the Council shall be undergoing necessary repairs or cleansing : A.D. 1932.
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- (12) If any sum of money payable by the St. Asaph Council to the Council under this section shall be in arrear for two months the Council may (without prejudice to any other remedy in respect thereof) cease to supply the St. Asaph Council with water so long as the St. Asaph Council remain in default :
- (13) Any matter required by this section to be determined by arbitration and any dispute question or difference which may arise between the Council and the St. Asaph Council under this section shall unless otherwise agreed be referred to and determined by a single arbitrator appointed by the President of the Institution of Civil Engineers on the application of either party (after notice in writing to the other) and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

PART III.

LANDS.

21.—(1) Subject to the provisions of this Act the Council may for or in connection with the construction of the works authorised by this Act enter upon take appropriate and use such of the lands in the county of Denbigh delineated on the deposited plans and described in the deposited book of reference as they may require. Power to
take lands.

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(2) Subject to the provisions of this Act the Council may for the purpose of preventing the contamination of and ensuring the purity of any water which can or may be intercepted or taken by means of the waterworks enter upon take appropriate and use the following lands delineated on the deposited plans and described in the deposited book of reference and may hold and use the same for the purposes of or in connection with the water undertaking :—

The lands in the county of Denbigh numbered as follows on the deposited plans and described in the deposited book of reference :—

- (1) in the parish of Bylchau Nos. 1-4 inclusive;
- (2) in the parish of Llanfair Talhaiarn Nos. 1-5 inclusive;
- (3) in the parish of Llansannan Nos. 1-56 inclusive.

Limiting quantity of common lands to be taken.

22. The quantity of common or commonable lands which may be taken by the Council under the powers of this Act shall not exceed the following (that is to say) :—

Name by which the lands are known.	Parish in which the lands are situate.	Estimated quantity to be taken.
Cefn Llŷs-Gwr -	Bylchau - - -	Acres. 102
Llŷs Dymper - -		
Bryn Poeth - - -	Llanfair Talhaiarn - -	194
Moel Gôch and		
Moel-y-Gaseg-Wen -		
Moel-y-Gaseg-Wen -		
Cefn Mawr - - -		
Cesyg Aled - - -	Llansannan -	2,073
Cefn Llŷs-Gwr - -		
Cefn Du - - -		
Moel-y-Bryniau -		
Trwyn Sŵch - - -		
Rhaiadr-y-Bedd -		
Moel Bengam - - -		
Bryn-Trillyn - - -		
Moel Newydd - - -		
Bryn Poeth - - -		

23. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October one thousand nine hundred and thirty-two. A.D. 1932.
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Period for compulsory purchase of lands.

24.—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Council if the Council shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein. Extinction of private rights of way.

(2) The Council shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by this Act with reference to the taking of lands otherwise than by agreement.

(3) Provided that nothing in this section contained shall derogate from the provisions of the section of this Act whereof the marginal note is "Power to stop up roads and footpaths."

25. The public shall be entitled to a privilege at all times of enjoying air exercise and recreation on such parts of any common or unenclosed land acquired by the Council in the county of Denbigh (and whether any common or commonable rights in or over such land shall have been acquired or extinguished under the provisions of this Act or not) as shall not be included within the limits of deviation for such of the works mentioned in this Act as may be constructed on or above the surface of the ground subject nevertheless to the provisions of and to the byelaws authorised by this Act. Access to commons.

26. All rights of turbary (if any) and grazing hitherto enjoyed by the inhabitants of the county of Denbigh or other persons entitled thereto over any land acquired or occupied by the Council under the powers of this Act and not used for the purposes of works or submerged by the formation of the reservoirs authorised by this Act shall be preserved to the said inhabitants Saving for turbary and grazing rights.

A.D. 1932. — and persons as heretofore and without interruption by the Council.

For protec-
tion of
Sir Albert
Herbert
Naylor-
Leyland and
others.

27.—(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Council shall not without the previous consent in writing of Sir Albert Edward Herbert Naylor-Leyland baronet Major Henry Field Fletcher Captain William Piers Montagu Jones and John Watson Hughes their successors and assigns the owners of the Gwylfa Hiraethog Estate in the parish of Bylchau in the county of Denbigh (hereinafter called "the owners") enter upon take or use any lands within two hundred and twenty yards south-west of any point on an imaginary line drawn due north-west from the cesspool of the lodge on the said estate.

(2) Should it be necessary for the purpose of the prevention of pollution of the water flowing from any lands of the Council or for complying with the requirements of any byelaws made under the provisions of the section of this Act of which the marginal note is "Byelaws for preventing pollution of water" to treat any sewage or sewage effluent from the said cesspool or to construct any works for the purpose of preventing such sewage or sewage effluent flowing upon the said lands of the Council or of complying with any such byelaw the Council shall at their own expense treat such sewage or sewage effluent or construct any works so required and the owners shall afford to the Council all necessary facilities to enable the Council and their officers and agents to carry out such treatment of the said sewage or sewage effluent or (so far as the owners are authorised to do so) to construct any such works.

Council may
acquire
easements
only in cer-
tain cases.

28.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements or rights only in such lands as they may require for such purposes (including the making maintaining repairing renewing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights

describing the nature thereof and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of such Acts. A.D. 1932.

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

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

(4) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this section.

29. In settling any question of disputed purchase money or compensation for lands acquired by the Council under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November nineteen hundred and thirty-one if in the opinion of the tribunal the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the tribunal was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Council of such lands. Compensation in case of recently acquired interest or altered buildings.

A.D. 1932.

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Power to
Council to
enter upon
property
for survey
and valua-
tion.

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

Further
powers of
entry.

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

Costs of
arbitration
in certain
cases.

32. The tribunal shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of the opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the

judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case : A.D. 1932.
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Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

33.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Council are from time to time empowered to take or which may flow into any waterworks of the Council the Council may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which the Council may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes : Powers for
protection
of water
supply.

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health and of the local sanitary authority erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

(2) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are from time to time empowered to take from being polluted and the Council may for the purposes aforesaid carry such drain sewer or watercourse under across or along any street or road traversing the said lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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(3) The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Council are for the time being authorised to take.

Purchase of additional lands by agreement.

34. The Council in addition to any other lands acquired by them in pursuance of this Act or which they are now authorised to acquire or hold may by agreement purchase take on lease acquire and hold further lands for the purposes of the water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres :

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired by them in pursuance of this section 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 the water undertaking.

Persons under disability may grant easements &c.

35. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to purchase lands already subject to easements.

36. Where under the powers of this Act the Council shall acquire any easement or right in under or through any lands for the construction of any work by this Act authorised the Council may at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such work.

37.—(1) So long as any lands remain to be acquired by the Council under the authority of this Act or any other Acts or any Orders relating to the water undertaking the Council may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the powers of the said Acts or Orders in the purchase of lands so remaining to be acquired but the Council shall apply any capital moneys so received and not applied as aforesaid in or towards the extinguishment of any loan raised by them under the powers of the said Acts or Orders and such application shall be in addition to and not in substitution for any other mode of extinguishment provided for by this Act or any other Act or Order except to such extent and upon such terms as may be approved by the Minister of Health.

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Proceeds
of sale of
surplus
lands.

(2) Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by the said Acts and Orders for the purpose of such purchase;
- (b) the borrowing powers conferred by the said Acts and Orders for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

38.—(1) The Council may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Council for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Council for those purposes.

Dwelling-
houses for
persons in
Council's
employ-
ment.

(2) Nothing contained in this section shall empower the Council to create or permit a nuisance.

A.D. 1932.

PART IV.

SUPPLY OF WATER.

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

39. When the water of the Council supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Council may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by measure) such additional sum not exceeding thirty shillings per annum (and where more motor cars than one are ordinarily kept such further sum not exceeding ten shillings per annum for each motor car beyond the first) as the Council may prescribe and any sum charged under the provisions of this section shall be paid quarterly in advance and be recoverable in all respects with and as water rates.

Charges for
supplies for
refrigerating
apparatus.

40. Where a person who takes a supply of water from the Council for any purpose desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending while in use upon a supply of continuously running water (other than apparatus for the purpose of softening water to be used for domestic purposes) the Council may if they think fit require that all water used for or in connection with the said apparatus shall—

- (a) be taken by measure on the conditions and at the rates for the time being in force for the supply of water by measure and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by measure shall be ten shillings; or
- (b) be paid for at such rates as may be agreed between the person and the Council.

Special
terms for
supplies to
caravans
&c.

41.—(1) Notwithstanding anything in this or any other Act or any Order relating to the Council contained a person shall not be entitled to demand or continue to receive from the Council a supply of water to any caravan shack hut tent or other like structure unless

he has agreed with the Council to take a supply of water by meter and to pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Council by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure. A.D. 1932.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

42.—(1) At any time after the passing of this Act on the application of the Council or of any local authority having jurisdiction within the limits of supply the Minister of Health by order may vary by way either of increase or decrease all or any of the maximum rates and charges for the supply of water authorised by the Acts and Orders relating to the water undertaking and the basis on which such rates and charges may be reckoned. Revision of water charges.

(2) The rates and charges from time to time prescribed shall be sufficient so far as can be estimated to enable the water undertaking to be carried on without loss after providing such sum as the Minister may consider reasonable as a contribution towards the reserve fund of the water undertaking so long as such fund does not amount to the maximum for the time being prescribed therefor.

(3) In the absence of exceptional circumstances the Minister shall not vary any of the said rates and charges at less intervals than five years.

(4) The provisions of subsection (1) of section 2 (Procedure for making orders) of the Water Undertakings (Modification of Charges) Act 1921 shall apply

A.D. 1932. — with the necessary modifications to any application authorised by this section.

Period of error in defective meters.

43.—(1) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall in the case of a surcharge be recoverable in the like manner as charges for water supplied by meter are recoverable by the Council.

Meters in streets to measure water or detect waste.

44.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purposes of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop up break up and interfere temporarily with public and private streets tramways sewers gas air or water pipes electric lines wires and apparatus.

(2) Provided that the Council shall not interfere with any telegraphic line as defined by the Telegraph Act 1878 belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

(3) Provided also that the Council shall not without the consent of the London Midland and Scottish Railway Company exercise the powers of this section in respect of any street or apparatus belonging to or maintainable by that company but such consent shall not be unreasonably withheld.

45. Paragraph (H) of section 19 of the Act of 1892 is hereby repealed and the following provisions shall have effect in lieu thereof :—

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Separate communication pipes may be required.

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

(2) If the owner of any house supplied with water by the Council when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Council may themselves do the work necessary in that behalf and may recover from such owner summarily as a civil debt the cost incurred by them in so doing.

46. Notwithstanding anything contained in any Act or Order relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Council to connect communication pipes with mains.

47.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Council for the purposes of ascertaining the

Power to Council to repair communication pipes.

A.D. 1932. — injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

(2) Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and (in any case where the communication pipe is repairable by the owner of such house or premises) to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Main-
tenance
of common
pipe.

48. When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

Opening of
ground by
person
liable to
maintain
pipes &c.

49.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made.

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Penalty
for closing
valves and
apparatus.

50. Every person who shall wilfully (without the consent of the Council) or negligently close or shut off any valve cock or other work or apparatus belonging to the Council whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Council) be liable on conviction to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for
opening
valves &c.

51. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of the supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Extension
of power to
inspect
premises.

52. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised officer of the Council may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Council in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds. Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

53. The Council shall have and may exercise the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without

Application
of provisions
of Public
Health Act as
to laying of
water mains.

A.D. 1932.

their district and for the purposes of that section the limits of supply shall be deemed to be the district :

Provided that the Council shall not exercise such powers in or under any lands or property belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

Fittings
let on hire
not liable
for distress
&c.

54. Any fittings let for hire under the provisions of paragraph (D) of section 19 of the Act of 1892 shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

Agreements
as to supply
of water in
certain
cases.

55. The Council may agree with the owner or occupier of any premises within the limits of supply who is not entitled to demand a supply of water from the Council to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

Guarantees
by local
authorities.

56.—(1) The council of any urban or rural district in whole or in part within the limits of supply may give and enter into a guarantee or contract for securing payment to the Council of such periodical or other sum or sums at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Council for the purpose of or with respect to the providing or laying down by the Council of any main pipe or works for the supply of water within any part of such district within the limits of supply.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise in like manner as money may be raised under the provisions

of any such general Act any money which may become payable to the Council under this section : A.D. 1932.

Provided that subject to the provisions of section 56 of the Local Government Act 1929 where such money is raised by a rural district council by means of a rate such rate shall be or shall be deemed to be a special rate.

PART V.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

57.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Council may mortgage or charge the revenues of the Council and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act and of any enactment incorporated therewith or applied thereto shall respectively be “the prescribed period”) mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements under the powers of this Act.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The construction of the works other than aqueducts authorised by Part II (Waterworks) of this Act.	£ 65,250	Fifty years from the date or dates of borrowing.
(c) The construction of the aqueducts authorised by the said Part II.	58,880	Thirty years from the date or dates of borrowing.
(d) Additional mains and other purposes in connection with the supply of water by the Council.	5,000	Thirty years from the date or dates of borrowing.
(e) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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(2) (a) The Council may also with the consent of the Minister of Health borrow such further money as may be required for any purpose of this Act.

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

(c) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

Postpone-
ment of
sinking
fund.

58. Notwithstanding anything in the Act of 1901 or in this Act contained it shall not be obligatory on the Council to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) (b) or (c) mentioned in the section of this Act the marginal note whereof is "Power to borrow" until the thirty-first day of March next after the completion of the purchase or work upon which the money is expended or until the expiration of five years from the passing of this Act or in case of Works Nos. 5 and 8 by this Act authorised from the date of the sanction mentioned in the proviso to subsection (1) of the section of this Act the marginal note whereof is "Power to make works" whichever shall first happen.

Provisions
of Public
Health Act
1875 as to
mortgages to
apply.

59. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" sections 236 237 and 238 of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act.

Power to
use sinking
fund
instead of
borrowing.

60.—(1) Where the Council are authorised by any statutory borrowing power to raise money they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of any sinking fund as shall be available for the repayment of moneys borrowed by the Council Provided that the Council shall not use for such purpose any sinking fund which has been set aside in respect of any loan raised on mortgage and shown by

the mortgage to have been raised in exercise of a particular borrowing power. A.D. 1932.

(2) The Council when exercising the powers conferred on them by this section shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(b) Credit the sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of such sinking fund;

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from the sinking fund and thereupon such borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Council shall determine. Provided that the amount of the moneys deemed to be discharged in respect of any such borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

61. When under the provisions of this Act the Council form an accumulating sinking fund for repayment of borrowed moneys then notwithstanding anything to the contrary in any Act or Order the amounts requiring to be invested from time to time in respect of the yearly

Investment of and payments into sinking fund.

A.D. 1932. — sums to be appropriated or set apart for the fund and in respect of the income from the fund shall be provided and paid out of the general rate fund and general rate and all interest dividends proceeds and other income from the fund shall be carried to and form part of the general rate fund.

Power to use one form of mortgage for all purposes.

62.—(1) Where the Council have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section

and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. A.D. 1932.
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Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

A.D. 1932.

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Receipt in
case of
persons not
sui juris.Power to
re-borrow.

63. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

64.—(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 purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period 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 payments 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.

All stock
and loans
to rank
equally.

65. Subject to any priority existing at the passing of this Act all stock of and loans to the Council and the dividends and interest thereon shall be charged indifferently on all the revenues of the Council and shall

rank equally one with the other without any priority whatsoever. A.D. 1932.

66.—(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 be not 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.

67.—(1) If the Council determine to repay by means of a sinking fund any money borrowed by virtue of any statutory borrowing power (other than money borrowed by the issue of stock) such sinking 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 the rate of three pounds ten shillings per centum per annum (or such other rate as the Minister of Health may from time to time authorise) 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) Subject to the provisions of this Act 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 statutory securities the Council being at liberty from time to time to vary and transpose such investments.

A.D. 1932.
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(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 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.

(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 to such fund provided for by this Act.

(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 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 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 Minister of Health that any such increase is necessary the Council shall increase the

payments to such extent as the Minister of Health may direct. A.D. 1932.

(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 probable accumulations thereon (in the case of an accumulating sinking fund) 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 Council 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 money 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 Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Minister of Health discontinue the annual payments to such sinking fund until the Minister of Health 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 or purposes as the Council with the consent of the Minister of Health may determine.

(12) All money which at the date of the passing of this Act is standing to the credit of any sinking fund in respect of money borrowed by the Council (other than money borrowed by the issue of stock) and not applied in repayment thereof shall be transferred to a sinking fund established under this section and the money so transferred shall be taken into account in calculating the future payments to be made to that sinking fund.

(13) Section 50 of the Act of 1892 and section 101 of the Act of 1901 are hereby repealed.

A.D. 1932.

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

68.—(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 Council in pursuance of any Act or Order from time to time relating to the Council or in respect of any money raised thereunder.

(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 treasurer or other the chief accounting officer of the Council 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.

(3) If it appears to the Minister by such a return as aforesaid 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 apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any such Act or Order as aforesaid 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 purposes 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 Council 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) Section 51 of the Act of 1892 and section 102 of the Act of 1901 are hereby repealed.

Interest on
securities
held jointly.

69. Where more persons than one are registered as joint holders of any security of the Council any one of them may give an effectual receipt for any interest

thereon unless notice to the contrary has been given to the Council by any other of them. A.D. 1932.

70. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875 and securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Evidence of transfer or transmission of securities.

71.—(1) As from the first day of April nineteen hundred and thirty-three all money received by the Council on account of the revenue of any undertaking (other than the gas undertaking) for the time being of the Council from which revenue is derived including the income arising from the investment of any reserve funds authorised in connection therewith shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of any such undertaking shall be paid out of that fund.

Application of revenue and payment of expenses of undertakings.

(2) The Council may if they think fit apply money received by them on account of the revenue of any such undertaking as is referred to in subsection (1) of this section (not being an electricity undertaking) in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertaking.

(3) Section 58 (Application of revenue of water undertaking) of the Act of 1892 is hereby repealed as from the first day of April nineteen hundred and thirty-three.

72.—(1) As from the first day of April nineteen hundred and thirty-three the Council shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts in respect of the water undertaking (which is in this section referred to as

Separate accounts to be kept for water undertaking.

A.D. 1932. "the undertaking") so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts in respect of the undertaking (including the income from any reserve fund authorised in connection therewith) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as to show the amounts expended in respect of each of the following purposes (that is to say):—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed and applied by the Council for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed and applied for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) The amount (if any) paid to any reserve fund formed for the purposes of the undertaking under the provisions of the section of this Act of which the marginal note is "Reserve fund" or under any other enactment.

(2) Whenever the receipts from the undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with the undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Council for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Council think fit to an extent equivalent to the amount of such excess Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next succeeding year the amount of such excess or any part thereof will be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

73.—(1) The Council shall show in their accounts relating to any undertaking (other than the gas undertaking) all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking. A.D. 1932.

Provisions as to showing and apportionment of items in accounts.

(2) In all cases in which the Council keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

74.—(1) As from the first day of April nineteen hundred and thirty-three the Council may (if they think fit) provide a reserve fund in respect of the water undertaking (which is in this section referred to as "the undertaking") by setting aside in any year in which the receipts on revenue account in respect of the undertaking shall be in excess of the payments and expenses on revenue account in respect of the undertaking such an amount not exceeding a sum equal to the amount of the said excess as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council in respect of the undertaking not being more than one tenth of the aggregate capital expenditure for the time being on the undertaking. Reserve fund.

(2) All interest received in any year from the investments of the reserve fund so formed shall be carried to and form part of the general rate fund but the reserve fund shall in that year be increased by a sum equal to the amount of such interest if and so far as the amount of the fund for the time being is less than the prescribed maximum and the Council shall not be precluded from carrying the said sum to the reserve fund by reason of the receipts on revenue account in respect of the undertaking being less than or failing to exceed the payments and expenses on revenue account in respect of the undertaking.

(3) Any reserve fund which has been formed for the purposes of the undertaking and which is in

A.D. 1932. — existence at the said first day of April shall be deemed to have been formed under this section.

(4) Any reserve fund formed under this section shall be applicable for the payment to the general rate fund in any year in which as shown by the accounts to be kept in pursuance of the provisions of the section of this Act of which the marginal note is "Separate accounts to be kept for water undertaking" the payments and expenses made and incurred in respect of the undertaking shall exceed the money received in respect of the undertaking of a sum not exceeding the amount of such excess or for meeting 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 improving or extending any part of the works forming part thereof or otherwise for the benefit 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.

(5) 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.

Expenses of execution of Act.

75. All expenses incurred by the Council in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the general rate fund and general rate.

Power to establish information bureau.

76. The Council may within the district establish and maintain an information bureau for the purpose of supplying such information with regard to the district as may be desired by visitors or intending visitors to the district and others and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or for information supplied by means thereof.

As to publishing weather reports.

77. The Council may provide and maintain barometrical and other instruments for recording the state of the weather and may take all necessary steps for making and publishing weather reports and statistics.

78. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the water undertaking whether provision is or is not made for the recovery thereof in any specified court or manner may be taken in any county court otherwise having jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1932.
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Recovery of demands.

79. Section 259 (Appearance of local authorities in legal proceedings) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Council and the members and officers of the Council and the clerk as if the purposes of this Act were purposes of the Public Health Act 1875. Incorporation of sections 259 and 265 of Public Health Act 1875.

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

81. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

82. Where under this Act any question or dispute is referred to an arbitrator or to arbitration then (except where otherwise expressly stated and except questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be to a single arbitrator to be appointed by the President of the Institution of Civil Engineers and otherwise subject to the provisions of the Arbitration Act 1889. Arbitration.

A.D. 1932.

Inquiries by
Minister of
Health.

83.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875.

(2) The Council shall pay to the Minister of Health any expenses incurred by him 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 the Minister of Health not exceeding five guineas a day for the services of such inspector.

Applica-
tion of
provisions
of Act of
1901.

84. The following provisions of the Act of 1901 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act (namely):—

Section 96 Mode of raising money;

Section 100 Mode of payment off of money borrowed;

Section 104 Council not to regard trusts;

Section 105 Protection of lender from inquiry;

Section 107 Application of borrowed moneys;

Section 121 Powers of Act cumulative;

Section 124 Recovery of penalties;

Section 125 Information by whom to be laid;

Section 126 Penalties to be paid over to treasurer;

Section 127 Judges not disqualified.

For pro-
tection of
Denbigh
County
Council.

85. For the protection of the county council the following provisions shall notwithstanding anything contained in this Act or shown upon the deposited plans and sections and unless otherwise agreed in writing between the Council and the county council apply and have effect (that is to say):—

(1) In this section:—

“Road diversion” means Works Nos. 3 6 and 7 by this Act authorised;

- “ Road ” means any road for the time being vested in or repairable by the county council which the Council are authorised to break up or interfere with under this Act and any embankments retaining walls or other works connected therewith and vested in the county council ;
- “ Bridge ” means any county bridge or any bridge carrying a road as lastly hereinbefore defined or flood arch vested in or repairable by the county council and includes the road over such bridge or flood arch and the approaches thereto respectively ;
- “ Apparatus ” includes any aqueduct conduit line or lines of pipes main or other work ;
- “ Along ” includes in on under across at the side of attached to and affecting ; and
- “ Surveyor ” means the surveyor to the county council :
- (2) The road diversions shall be constructed in such manner up to such standard of construction with such provision for drainage and in such position within the limits of lateral deviation shown on the deposited plans as may be agreed between the Council and the county council or as failing agreement shall be determined by arbitration as in this section provided :
- (3) The road diversions shall be constructed with a metalled carriageway of no less a width than the metalled part of the roadway for which the same are substituted and where the road diversions will be constructed upon an embankment such embankment shall (so as to allow of any subsequent increase in the width of the metalled carriageway) be of a uniform width of six feet wider than the roadway for which the same is substituted (except in the case of the substituted roadway on the dam of a reservoir when such roadway shall be constructed of no less width than that of the road to be stopped up) and the surface of such embankment where not forming part of the metalled carriageway shall be levelled and completed in such manner as shall

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be agreed between the Council and the county council or as failing agreement shall be determined by arbitration as in this section provided:

- (4) The bridge carrying the road diversion over the river Aled shall be of a uniform width of twelve feet between the parapets and shall be constructed in accordance with plans sections and specifications to be submitted to the county council and reasonably approved by them prior to the commencement of the construction thereof and to their reasonable satisfaction. Provided that if the county council shall not have signified their approval or disapproval within twenty-eight days after the submission of the said plans sections and specifications they shall be deemed to have approved thereof:
- (5) The Council shall at its own expense adequately fence where reasonably required for the safety of the public the road diversions on the side thereof nearest the reservoir and the Council shall for ever after maintain such fences:
- (6) In relation to any road or bridge section 30 of the Waterworks Clauses Act 1847 shall (except in cases of leakage bursting or other emergency) have effect as if the word "fourteen" were substituted for the word "three" in that section and the notice therein provided for shall be given to the surveyor for the time being of the county council:
- (7) All apparatus to be laid along any road shall be constructed and laid in such position at the side thereof where practicable or where necessary under the metalled portion of the road as the county council under the hand of the surveyor reasonably directs;

No apparatus shall be laid at a less depth than three feet measured from the surface of the ground to the highest part of such apparatus and no apparatus shall be constructed or laid along any bridge but the Council may lay apparatus along an approach to a bridge;

All works of the Council shall be so executed as not in any way to stop up or unreasonably

impede or interfere with the traffic on any road or over any bridge and all such works shall be proceeded with and completed with all possible dispatch after the commencement thereof respectively and the Council shall not break up at any one time a greater continuous length of the roadway than shall reasonably be specified by the surveyor : A.D. 1932.

Provided always that where in the execution of such works it becomes necessary to temporarily close a portion of a road to traffic the Council shall where practicable provide a temporary substituted road to the reasonable satisfaction of the county council over land adjoining the portion of road so to be closed before closing the same and in cases where it is impracticable to provide such a temporary substituted road the Council shall not close any part of a road to traffic for a longer period than shall be agreed with the surveyor and after the reopening to traffic of such portion of road so temporarily closed shall not close any other portion of such road to traffic until the expiration of such a period not exceeding three days as shall be agreed with the surveyor ;

If any part of a road or approach is temporarily closed to traffic as aforesaid the Council shall at its own expense for at least three days previous thereto and during the period it is so closed display notices thereof at all junctions of such road with other roads ;

The Council shall not stack store or leave any pipes or other material tools or machinery on any road or bridge so as to interfere with or impede the traffic without the previous consent in writing of the surveyor which consent shall not be unreasonably withheld :

- (8) Before the Council commence to place repair renew alter or remove any apparatus along any road or bridge they shall give to the county council through the surveyor fourteen clear days' notice of their intention so to do ;

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The Council shall not place renew or alter any apparatus along any road or bridge otherwise than according to plans sections and specifications approved by the county council or (failing such approval) determined by arbitration which plans sections and specifications shall contain such details as the county council may reasonably require. Provided that unless within the period of fourteen clear days from the delivery of plans sections and specifications (which shall be sent to the surveyor) the county council intimate to the Council any objection thereto they shall be deemed to have approved thereof;

All works of the Council affecting any road or bridge shall be executed to the reasonable satisfaction of the county council and under the superintendence (if given) of the surveyor :

- (9) Before commencing such haulage of materials and things for the execution of the works by this Act authorised as would amount to extraordinary traffic on or over any roads in the county of Denbigh the Council shall give notice in writing to the surveyor of the route along which such haulage is to take place and as far as may be reasonably practicable shall comply with his directions in respect thereof and will if so required by the county council during the period of such haulage take over maintain and repair at the expense of the Council but to the reasonable satisfaction and under the superintendence of the surveyor the said roads and after such haulage is completed hand over the said roads to the county council in as good a condition as that specified in a report to be agreed between the Council and the county council before such haulage was commenced and any dispute as to such condition before such haulage shall be determined by arbitration as in this section provided :
- (10) So soon as the Council commence to lay any apparatus along any road or the approaches to any bridge the Council shall if so requested

by the county council at their own expense maintain and repair such roads or approaches for the entire length so far as the same are to be used for laying the apparatus along such road or approaches in the same manner as the county council ordinarily maintain and repair such roads and approaches and to the reasonable satisfaction of the surveyor (but in no case shall the Council be required to make and maintain a greater width of metalled roadway than existed before the apparatus was laid) and shall maintain and repair such roads and approaches to the like satisfaction for a period of one year after the completion of the works and reinstatement of such roads and approaches. Provided that the county council shall pay to the Council for and during the period that they maintain and repair such roads and approaches an amount calculated on the basis of the average annual cost per mile to the county council of the ordinary maintenance and repair of the said roads and approaches such average to be the average of the last three years to the date of the passing of this Act or if the county council itself maintain and repair such road or approaches then and in that case the Council shall repay to the county council on demand the cost of the maintenance and repair thereof over and above the average annual cost as before mentioned :

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- (11) The Council shall repay to the county council all costs charges and expenses necessarily incurred or paid by the county council in or about any renewal of or strengthening alteration or repair of any bridge or in the repair of any fords culverts or arches which may be endangered or damaged by passage of the traffic of the Council or of their contractors or servants during the construction or repair of the works authorised by this Act. All costs charges and expenses payable by the Council as aforesaid shall be recoverable by the county council from the Council by action in any court of competent jurisdiction :

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- (12) Whenever the Council in the exercise of their statutory powers shall have opened or broken up the carriageway or footway of any road or of any approach to a bridge the Council shall reinstate and make good such carriageway or footway to the reasonable satisfaction of the county council and for that purpose section 32 of the Waterworks Clauses Act 1847 shall have effect as if the reinstatement and making good of the road required by that section included the application of a sufficient layer of surface metalling of the same specification as that employed by the county council for the particular carriageway or footpath and also included (if reasonably required by the county council) proper and ample ramming or the use of a hand roller and (after such ramming or use) the use of a steam roller on the places where the carriageway has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining :
- (13) If the Council after reasonable notice from the county council under the hand of the surveyor shall neglect to do or complete any work or act required by this section to be done by the Council then and in any such case the county council may do such work or act themselves under the superintendence (if given) of the Council causing as little damage or inconvenience to the Council as the circumstances may admit and the Council shall repay to the county council all expenses reasonably incurred by the county council in connection with any such work or act :
- (14) The surplus paving metalling or materials removed during the laying renewal or repair of the apparatus of the Council shall not after completion of the work be placed on the metalled portion of any road or in or upon any bridge without the written consent of the surveyor and subject to such conditions and directions as he may reasonably require or give :

(15) All surplus paving metalling or materials removed during the laying of apparatus by the Council along any road and not required by the Council for the purpose of reinstating making good and maintaining the road may be used by the county council for the maintenance and repair of any road and the Council shall on receiving notice from the surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the surveyor may reasonably direct and if the Council fail so to do the surveyor may remove the same but the county council shall repay to the Council any expenses which the Council may reasonably incur in complying with any directions of the surveyor under this subsection Provided that nothing in this section shall apply to any rock excavated by the Council in laying any apparatus which said rock may be retained and used by the Council as may be found convenient in connection with the works authorised by this Act :

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(16) Nothing in this Act shall interfere with the right of the county council to alter the level of deviate widen reconstruct or improve any road (each of which works is in this section referred to as a "highway alteration") or to remove alter rebuild widen or repair any bridge (each of which works is in this section referred to as a "bridge alteration") along which highway or bridge any apparatus shall have been placed in the same manner as if this Act had not been passed Provided that the county council shall not execute a highway alteration so as to leave a less depth than three feet measured from the surface of the road and the highest part of the apparatus laid along such road;

If the county council at any time desire to carry out a highway alteration or a bridge alteration the Council shall on receiving in the case of a highway alteration fourteen clear days' notice and in the case of a bridge alteration sixty clear days' notice in writing

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from the county council alter the position of any apparatus of the Council laid or placed along the highway or bridge in such manner and to such extent as the county council may reasonably require and the county council shall afford to the Council all reasonable facilities for temporarily carrying such apparatus so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such apparatus. All expenses reasonably incurred by the Council under this subsection in respect of a highway alteration shall be repaid to them by the county council :

- (17) During the laying and repair of any apparatus every reasonable precaution shall be taken to avoid danger or injury to persons or cattle or stock using the road and in particular the Council will cause danger lights to be placed at night at the end and by the side of the trenches which may be dug and temporarily left open in or across any road and shall cause such lights to be lit and kept burning from one hour after sunset to one hour before sunrise whilst the said trenches remain open so as to effectually warn the traffic passing on the said road and a watchman shall also be employed by the Council on the road when necessary during the night and the Council shall during the progress of the works indemnify the county council against all costs losses or damages that may be incurred or suffered consequent upon the neglect or omission of the Council in any matters provided in this subsection :
- (18) The reasonable expenses of the county council or the surveyor of and in relation to the examination and approval of the said plans sections and descriptions and any such superintendence by them or him as is referred to in this section shall be paid by the Council :
- (19) The Council shall during such period as the works in the county of Denbigh by this Act authorised are in process of construction pay to the county council the reasonable cost of maintaining such an additional number of police as the standing joint committee of

the county reasonably think necessary for the due preservation of order and the Council shall pay to the county council the costs of the erection of such temporary buildings for police purposes as the said standing joint committee may reasonably think necessary at such place or places as may be determined by the said committee :

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- (20) The Council shall provide proper and sufficient temporary dwellings for their workmen with all such sanitary arrangements as may be reasonably required and to the reasonable satisfaction of the sanitary authority for the district concerned :
- (21) Any difference which shall arise between the county council and the Council under the foregoing provisions of this section shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party 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 and determination.

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

Crown rights.

87. 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 shall be taxed by the Taxing Officer of the House of Lords or of the House of Commons and such costs charges and expenses shall be paid by the Council in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the powers of this Act for that purpose.

Costs of Act.

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The SCHEDULE referred to in the
foregoing Act.

FORM OF MORTGAGE.

RHYL URBAN DISTRICT.

By virtue of the Rhyl Urban District Council Act 1932 and of other their powers in that behalf them enabling the Rhyl Urban District Council (hereinafter referred to as "the Council") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the Council by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the principal sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the Council [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Council and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this _____ day of _____ A.D. 1932.
one thousand nine hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named
consenting the within-mentioned time for repayment of the
within-mentioned principal sum of _____
is hereby extended to the _____
day of _____ nineteen hundred and _____
[and the interest to be paid thereon
on and from the _____ day of _____
nineteen hundred and _____ is hereby declared
to be at the rate of _____ per centum
per annum].

Dated this _____ day of _____
nineteen hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I [the within-mentioned]
of _____
in consideration of the sum of _____ pounds
paid to me by _____
of _____
(hereinafter referred to as "the transferee") do hereby transfer
to the transferee [his] executors administrators and assigns
[the within-written security] [the mortgage number _____ of
the revenues of the Rhyl Urban District Council bearing date
the _____ day of _____]
and all my right and interest under the same subject to the
several conditions on which I hold the same at the time of the
execution hereof and I the transferee for myself my executors
administrators and assigns do hereby agree to take the said
mortgage security subject to the same conditions.

Dated this _____ day of _____
nineteen hundred and _____

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