



CHAPTER lxxxvii.

An Act to constitute a joint board comprising representatives of the Chesterfield Corporation and the Bolsover Urban District Council and to vest in the said Board the water undertakings of the constituent authorities to authorise the Board to execute works and supply water and for other purposes. A.D. 1932.
[12th July 1932.]

WHEREAS the mayor aldermen and burgesses of the borough of Chesterfield (in this Act called "the Corporation") are the owners of a water undertaking and are supplying water in the said borough the urban district of Brampton and Walton and the parishes of Brimington and Hasland and part of the parish of Wingerworth in the rural district of Chesterfield :

And whereas the Bolsover Urban District Council (in this Act called "the Urban Council") are the owners of a water undertaking and are supplying water within their district under the powers in that behalf of the Public Health Acts :

And whereas it is expedient to constitute and incorporate a joint board comprising representatives of the Corporation and of the Urban Council to transfer to the said board the said water undertakings and to empower them to make and maintain the additional waterworks by this Act authorised and to supply water

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A.D. 1932. — within and in bulk beyond the limits referred to in this Act :

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

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

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

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The purchase of lands and easements	1,024
The construction of the works authorised by this Act (except pumping machinery gravity filters and sterilization and softening plant)	44,976
The provision of the pumping machinery gravity filters and sterilization and softening plant authorised by this Act	21,000

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 in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed by the Corporation and the Urban Council :

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 the administrative county of Derby which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the

Lords Spiritual and Temporal and Commons in this A.D. 1932,
present Parliament assembled and by the authority of —
the same as follows (that is to say) :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Chesterfield and Bolsover Water Act 1932. Short title.

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

(a) The Lands Clauses Acts with the following exceptions and modification :—

(i) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act ;

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

(b) The Waterworks Clauses Act 1847 except—

(i) 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 ;

(ii) Sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts ;

(c) The Waterworks Clauses Act 1863 ;

(d) The clauses of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions “ the railway ” shall mean the works authorised by this Act ;

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(e) The clauses of the Commissioners Clauses Act 1847 with respect to the following matters (namely) :—

The contracts to be entered into and the deeds to be executed by the commissioners (except section 57);

The liabilities of the commissioners and legal proceedings by or against the commissioners.

(2) In the construction of the provisions of the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 the Railways Clauses Consolidation Act 1845 and the Commissioners Clauses Act 1847 incorporated with this Act the expressions "the promoters of the undertaking" "the undertakers" "the company" and "the commissioners" mean respectively the Board.

Interpretation.

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

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

"The Board" means the Chesterfield and Bolsover Water Board;

"The clerk" means the clerk to the Board;

"The undertaking" means the whole of the undertaking for the time being of the Board;

"The limits of supply" means the limits for the time being of the Board for the supply of water;

"Constituent authority" means a local authority for the time being authorised to appoint a member or members of the Board;

"The Corporation" means the mayor aldermen and burgesses of the borough of Chesterfield;

"The borough" means the borough of Chesterfield;

"The Urban Council" means the Bolsover Urban District Council;

"The urban district" means the urban district of Bolsover;

- “ The county council ” means the county council of the administrative county of Derby; A.D. 1932.
- “ The Brampton district ” means the Brampton and Walton urban district;
- “ The Brampton Council ” means the council of the Brampton district;
- “ The appointed day ” means the first day of April nineteen hundred and thirty-three;
- “ The existing undertakings ” means the water undertakings of the Corporation and the Urban Council and includes all works engines mains pipes and machinery land buildings plant fixed and moveable and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or enjoyed by the Corporation and the Urban Council respectively immediately before the appointed day for or in relation to their waterworks and the diversion collection storage and distribution of water or otherwise for or in relation to or in connection with the supply of water by them but does not include any funds or money or securities for money of the Corporation or the Urban Council whether invested or in hand or moveable stock in trade or stores;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Board;
- “ Statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing

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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 Lands Clauses Acts” means those 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;

“Revenues of the Board” includes the revenues of the Board from time to time arising from the undertaking or from any land or other property for the time being of the Board and the money receivable by them from the constituent authorities and all rates and money which they are authorised to levy and collect within the limits of supply under the powers of this Act;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“The Act of 1923” means the Chesterfield Corporation Act 1923;

“The Minister” means the Minister of Health.

PART II.

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD.

Incorporation of Board.

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

(2) The Board shall be a body corporate under the name and style of the “Chesterfield and Bolsover Water

Board" with perpetual succession and a common seal and with power to acquire and hold lands (without any licence in mortmain) and with all other powers and privileges of a body corporate. A.D. 1932.

5. The constitution of the Board shall (subject to alteration by the Minister as hereinafter provided) be as follows:— Constitution of Board.

Eight members to be appointed by the Corporation;

Four members to be appointed by the Urban Council.

6.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held before the first day of January nineteen hundred and thirty-three or such later date as the Minister shall allow on the application of either of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office for such period as the constituent authority by whom they are appointed shall determine but not beyond the thirtieth day of April nineteen hundred and thirty-six. Appointment of members of Board.

(2) Each constituent authority shall from time to time appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by this Act authorised to appoint to hold office for such period not being more than three years as they may determine.

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

7. If either constituent authority fail to appoint first members of the Board it shall be competent for the other members of the Board to carry this Act into execution and if either constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such authority and qualified to be members or a member of the Board shall continue in office till their or his successors or successor are or is appointed. Provisions where failure to appoint members.

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Members of
Board to be
members of
constituent
authorities.

Member of
two or
more
authorities
to represent
one only.

Disqualifi-
cation of
members.

8. A person shall not be qualified to be a member of the Board unless he is a member of the constituent authority by whom he is appointed.

9. A person who is a member of both constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall within one month after the second appointment choose under which appointment he shall serve and the other appointment shall be deemed void.

10.—(1) If a member of the Board ceases to be a member of the constituent authority by whom he was appointed or becomes disqualified he shall cease to be a member of the Board except in the case where he ceases to be a member of such authority only by the expiration of his term of office and is forthwith re-elected a member of such authority.

(2) A person shall be disqualified for being appointed or being a member of the Board if and while he—

(a) holds any office or place of profit under the Board; or

(b) has directly or indirectly by himself or his partner any share or interest in any contract or employment with by or on behalf of the Board.

(3) But a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of his having any share or interest in—

(a) any lease sale or purchase of land or any agreement for the same;

(b) any agreement for the loan of money or any security for the payment of money only;

(c) any newspaper in which any advertisement relating to the affairs of the Board is inserted;
or

(d) any bargain or contract with the Board as a shareholder in any company.

(4) A member of the Board shall not vote on any matter before the Board or a committee of the Board in which he has directly or indirectly any pecuniary interest. A.D. 1932.
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11. Whenever an appointment of a member of the Board has been made the clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the clerk of the other constituent authority and on every subsequent appointment to the clerk and every such certificate shall be conclusive evidence of such appointment. Certificate of appointment of members.

12. Any member of the Board may at any time resign his office as such member by notice in writing addressed to the clerk. Resignation of members.

13. Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed. Removal of members.

14. On any vacancy in the membership of the Board owing to a member dying resigning or becoming disqualified or otherwise ceasing to be a member the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Board in his place but unless the vacancy occurs at the expiration of the term of office of the vacating member the person appointed in his place shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office. Casual vacancies.

15.—(1) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint one of their members as chairman and another as vice-chairman for the ensuing year. Chairman and vice-chairman of Board.

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

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

First and subsequent meetings of Board.

16. The Board shall hold their first meeting at the Stephenson Memorial Hall Chesterfield or at such other place and on such day and at such time as may be agreed between the constituent authorities or as failing such agreement shall be appointed for the purpose by the Minister and subsequent meetings of the Board (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint.

Special meetings of Board.

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

Convening of meetings.

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

Quorum of meetings.

19. To constitute a meeting of the Board there must be present not less than four of the members of the Board.

Proceedings at meetings.

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

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

Provided that if at any meeting neither the chair- A.D. 1932.
man nor vice-chairman shall be present and there be any
equality of votes in choosing the member to preside at
such meeting it shall be decided by lot which of the
members having an equal number of votes shall so
preside.

21.—(1) Minutes of the proceedings of every meeting Minutes of
shall be drawn up and fairly entered in a book kept for meetings.
that purpose or printed and kept in the form of a book
and the minutes shall be approved and when approved
signed by the chairman or other member presiding at the
next ensuing ordinary meeting.

(2) A minute of the proceedings of the Board or of
a committee of the Board signed at the next ensuing
ordinary meeting by a member of the Board describing
himself as or appearing to be chairman of the meeting
at which the minute is signed shall be received in
evidence without further proof.

(3) Until the contrary is proved every meeting
whereof a minute has been so made shall be deemed to
have been duly convened and held and all the members
at the meeting shall be deemed to have been duly
qualified and where the proceedings are proceedings of
a committee of the Board the committee shall be
deemed to have been duly constituted and to have had
power to deal with the matters referred to in the
minutes.

(4) Copies of the minutes of the proceedings of
every meeting of the Board shall after each meeting
be sent by the clerk to the clerk of each constituent
authority for the information of that authority.

22. Subject to the provisions of this Act the Board Standing
may make standing orders for the regulation of their orders of
proceedings and business and of the proceedings and Board.
business of committees of the Board and may vary or
revoke the same.

23.—(1) The Board may appoint out of their own Committees
body such and so many committees either of a general of Board.
or special nature consisting of such number of persons
as they think fit for any purposes which in the opinion
of the Board would be better regulated and managed by

A.D. 1932. — means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of raising money) to any committee of the Board so appointed.

(2) The provisions of section 82 of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the Board as if they were committees of a county council.

Appoint-
ment of
officers.

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

(2) No member of the Board or of either of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority.

Application
of Local
Government
and other
Officers'
Super-
annuation
Act 1922.

25.—(1) The Corporation shall prepare and submit to the Minister a scheme for admitting such of the officers and servants in the permanent service of the Board as may occupy posts designated by the Board with the consent of the Corporation as established posts for the purposes of the Local Government and other Officers' Superannuation Act 1922 to participate in the benefits prescribed by that Act as though they were officers and servants of the Corporation and for the purposes of such scheme every officer or servant of the Board who immediately before the appointed day is an officer or servant of the Corporation and holds a post duly designated by the Corporation as an established post for the purposes of the said Act shall be deemed to occupy a post designated as aforesaid and the scheme shall contain provisions adequately protecting the rights and interests of every such officer or servant.

(2) A scheme under this section may make such modifications in the said Act and may contain such supplemental and consequential provisions as appear to the Minister to be necessary or expedient.

(3) A scheme under this section when approved by the Minister either with or without modification shall have full force and effect. A.D. 1932.
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26. No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board. Acts not invalidated.

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

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

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

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As to
additional
constituent
authorities.

30.—(1) Any local authority desiring to become a constituent authority of the Board and to appoint representatives thereon may give notice thereof to the Board and the Board after receipt of such notice may if they think fit apply to the Minister for a Provisional Order constituting such local authority a constituent authority upon such terms and conditions as may be agreed between the Board and such local authority and the Minister may make any such Provisional Order accordingly and may thereby make all such amendments of this Act and of any Act or Order relating to the local authority who have given the notice as may be necessary or expedient in consequence of such local authority being constituted a constituent authority of the Board.

(2) Sections 297 and 298 of the Public Health Act 1875 (which relate to the making of Provisional Orders by the Local Government Board) shall apply to the making of a Provisional Order under this section as if they were re-enacted in this section and in terms made applicable thereto.

PART III.

TRANSFER OF UNDERTAKINGS.

Transfer of
under-
takings to
Board.

31. On the appointed day the existing undertakings shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Board free from all charges debts and liabilities affecting the same and shall be carried on used exercised and enjoyed by the Board for the purposes and according to the provisions of this Act and (subject to those provisions) as the same would or might have been carried on used exercised and enjoyed by the Corporation and the Urban Council (as the case may be) if this Act had not been passed.

Provisions
as to
receipts and
outgoings.

32. The constituent authorities shall respectively be entitled to all rates rents profits and sums of money and shall discharge and pay all outgoings and liabilities in respect of the existing undertakings accruing due up to or which shall have accrued due or become payable prior to the appointed day and the Board shall be entitled to all rates rents profits and sums of money and shall discharge and pay all outgoings and liabilities in respect

of the said undertakings accruing due as from or which shall accrue due or become payable on or after the appointed day and where necessary for the purposes of this section all revenues and outgoings shall be apportioned between the constituent authorities and the Board :

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Provided that so much of any water rates meter rents deposits and other charges received by either of the constituent authorities before the appointed day as is in respect of any period subsequent to that day shall be paid to the Board and all rates rents profits and sums of money accruing prior to the appointed day in respect of the existing undertakings but not at that date actually due or payable shall when due be recoverable by the Board who shall pay to the constituent authorities respectively the proportion of all such rates rents profits and sums of money so recovered which shall be attributable to the period prior to the appointed day.

33.—(1) The constituent authorities shall sell and the Board shall purchase the moveable stock in trade and stores belonging to the constituent authorities in connection with their respective water undertakings and not transferred to the Board by virtue of section 31 of this Act and the Board shall pay to each of the constituent authorities a sum equivalent to the value at the appointed day of the stock in trade and stores of that authority.

Purchase of stores of constituent authorities.

(2) Any difference which may arise between the Board and either of the constituent authorities under the provisions of this section shall be referred to an arbitrator to be appointed by the President of the Institution of Civil Engineers.

34.—(1) Every officer and servant who immediately before the appointed day is in the whole-time employment of the Corporation or the Urban Council (as the case may be) in connection with the existing undertakings (in this Act called "transferred officer") shall on the appointed day become an officer or servant of the Board and shall hold his office or situation by the same tenure and on the same conditions as immediately before the appointed day and while performing similar duties shall

Transfer of and compensation to officers.

A.D. 1932. — in respect thereof receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if this Act had not been passed.

(2) The Board may employ a transferred officer in the discharge of such of their functions as they may think proper and every such officer shall perform such duties in relation to those functions as may be directed by the Board.

(3) The provisions of section 123 (Compensation to existing officers) of the Local Government Act 1929 and of the Eighth Schedule to that Act shall apply in the case of any officer or servant employed by the Corporation or by the Urban Council immediately before the appointed day with the following and any other necessary modifications :—

- (a) The limitation to persons holding office on the twelfth day of November nineteen hundred and twenty-eight shall not apply ;
- (b) Any reference to the council or to the council by whom any appointment has been determined or fees salary or emoluments have been altered shall be construed as a reference to the Board ; and
- (c) Any reference to the appointed day shall be construed as a reference to the appointed day as defined in this Act.

(4) When Charles Boldry the water engineer of the Corporation ceases to hold office under the Board the Board shall pay to him during the remainder of his life the annual sum which the Corporation agreed to pay to him when the undertaking of the Chesterfield Gas and Water Board was transferred to them namely one hundred and twenty-eight pounds four shillings :

Provided that in determining any superannuation allowance payable to the said Charles Boldry under the Local Government and other Officers' Superannuation Act 1922 or any compensation payable to him under this Act his service under the Chesterfield Gas and Water Board shall not be taken into account.

Pending
actions.

35. If on the appointed day any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour

of the Corporation or the Urban Council (as the case may be) in connection with the existing undertakings the same shall not abate or be discontinued or in any-wise prejudicially affected by reason of the transfer to the Board of the existing undertakings or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the Corporation or the Urban Council (as the case may be) as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not been passed.

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36. All rates rents and charges in connection with the existing undertakings which have been lawfully made charged or imposed and which on the appointed day are due or if this Act had not been passed would have accrued due shall notwithstanding the repeal effected by section 39 of this Act continue in force and be due and payable and may be collected recovered or enforced by the Board as they might have been collected recovered or enforced by the constituent authorities if this Act had not been passed.

Rates due to constituent authorities.

37. Subject to the provisions of this Act all agreements conveyances contracts deeds and other instruments entered into or made with or by the Corporation or the Urban Council (as the case may be) in respect of either of the existing undertakings and in force on the appointed day shall on and after the appointed day be as binding and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the Corporation or the Urban Council (as the case may be) the Board had been a party thereto.

Contracts to be binding.

38. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Corporation or the Urban Council (as the case may be) in connection with the existing undertakings shall on and after the appointed day be admitted in evidence in respect of the same or the like matter for or against the Board.

Books &c. to remain evidence.

39.—(1) The following provisions (namely):—
(a) Part IV (Water) of the Act of 1923;

Partial repeal of local Act and Orders.

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- (b) the Bolsover and District Water Order 1903 so far as it relates to the urban district and so much of the Water Orders Confirmation Act 1903 as relates thereto; and
- (c) the Bolsover Water (Modification of Charges) Order 1923;

shall as from the appointed day be repealed except the provisions of the Act of 1923 which are referred to in the First Schedule to this Act.

(2) As from the appointed day the provisions which are set out in the First Schedule to this Act shall have effect as if the Board were named therein instead of the Corporation.

PART IV.

WORKS AND LANDS.

40. The Board may—

- (1) maintain repair renew alter enlarge improve and extend the pumping stations reservoirs mains pipes and other waterworks transferred to them by virtue of this Act;
- (2) take intercept and impound any water which can or may be intercepted by any of the said works or which the Corporation or the Urban Council might have intercepted if this Act had not been passed;
- (3) erect lay down provide and maintain upon lands vested in the Board for the purposes of the undertaking additional and other works and apparatus;
- (4) lay down provide and maintain additional and other aqueducts mains and pipes subject to the provisions of this Act and of the Acts incorporated therewith; and
- (5) sell and supply water in accordance with the provisions of this Act.

Power to maintain &c. transferred works.

Power to make waterworks.

41. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and according to the levels shown upon the deposited plans

and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the county of Derby (namely) :— A.D. 1932.

Work No. 1 A pumping station in the urban district in the enclosures numbered 502 and 503 on the 1/2500 scale Ordnance map (edition of 1918) Derbyshire sheet XXVI-3;

Work No. 2 A line or lines of pipes in the urban district commencing at the existing main in the enclosure numbered 655 on the 1/2500 scale Ordnance map (edition of 1918) Derbyshire sheet XXVI-7 and terminating at Work No. 3;

Work No. 3 A softening filtration and pumping station in the urban district in the enclosures numbered 632 and 633 on the 1/2500 scale Ordnance map (edition of 1918) Derbyshire sheet XXVI-7;

Work No. 4 A line or lines of pipes in the urban district commencing at Work No. 3 and terminating at the existing main in the said enclosure numbered 655;

Work No. 5 A line or lines of pipes in the urban district commencing at Work No. 3 and terminating at the existing main at Whaley in the road from Bolsover to Whaley;

Work No. 6 A line or lines of pipes in the urban district and in the parishes of Sutton cum Duckmanton and Calow in the rural district of Chesterfield and in the borough commencing at the Urban Council's existing water tower in Portland Avenue and terminating at Work No. 7;

Work No. 7 A service reservoir in the borough in the enclosures numbered 211 and 212 on the 1/2500 scale Ordnance map (edition of 1918) Derbyshire sheet XXV-7;

Work No. 8 A line or lines of pipes in the borough commencing at Work No. 7 and terminating at the existing main in the road from Derby to Sheffield opposite the Stephenson Memorial Hall;

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Work No. 9 A line or lines of pipes in the borough and the said parish of Calow commencing at Work No. 7 and terminating at the existing main in the road from Hasland to North Wingfield at its junction with Storforth Lane;

Work No. 10 A line or lines of pipes in the borough and in the parish of Brimington in the said rural district of Chesterfield commencing at Work No. 7 and terminating at the existing main in the said parish of Brimington at the junction of Chesterfield Road and Church Street;

Work No. 11 A line or lines of pipes in the urban district commencing at Work No. 6 in the New Station Road at its junction with Castle Lane and terminating at the existing tank in the enclosure numbered 1042 on the 1/2500 scale Ordnance map (edition of 1918) Derbyshire sheet XXVI-10.

Subsidiary
and
additional
works.

42. The Board may upon the lands for the time being belonging to them make and maintain all such cuts channels wells adits catchwaters pump-houses tunnels pipes conduits culverts drains sluices bye-washes shafts watertowers overflows waste-water channels gauges filter-beds tanks banks walls bridges roads ways embankments piers approaches buildings telegraphic telephonic and other means of communication rails plates sleepers sidings stations depots platforms sheds cranes engines machinery and appliances as may be necessary or convenient for the purposes of the undertaking but nothing in this section shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to
deviate.

43.—(1) In the construction of the works authorised by this Act the Board may deviate to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards.

(2) Provided that except for the purpose of crossing over a stream or railway no part of the lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections. A.D. 1932.
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44.—(1) The Board during and for the purpose of the execution of the works authorised by this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same. Temporary stoppage of streets.

(2) The Board shall provide reasonable access for foot-passengers bona fide going to or from any such house.

(3) The Board shall at all times during the execution of any such work maintain a reasonably sufficient access both for vehicular and pedestrian traffic bona fide to or from any railway station or depot in the neighbourhood of the street.

(4) The powers of this section shall not be exercised in reference to a county road or county bridge without the consent of the county council but such consent shall not be unreasonably withheld.

45. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of the lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Board may erect or lay down for the purposes of the undertaking: Application of Waterworks Clauses Act 1847.

Provided that the Board shall not construct lay down erect and maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road or bridge or approach belonging to or maintainable by any railway company except with the consent in writing of such railway company which consent shall not be unreasonably withheld and under the superintendence (if given) and to the reasonable satisfaction of the engineer of such railway company.

[Ch. lxxxvii.] *Chesterfield and* [22 & 23 GEO. 5.]
Bolsover Water Act, 1932.

A.D. 1932.

For pro-
tection of
Postmaster-
General.

46. Any telephone or telegraph posts wires conductors or apparatus or other means of communication made erected or laid down by the Board under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the Wireless Telegraphy Acts 1904 to 1906 or any statutory re-enactment or modification thereof and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Power to
take lands.

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

Acquisition
of ease-
ments.

48.—(1) The Board may in lieu of acquiring any lands for the purposes of the works authorised by this Act acquire such easements and rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

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

49.—(1) All private rights of way over any lands which the Board are authorised by this Act to acquire compulsorily shall to the extent to which the Board shall by resolution so determine as from the date of the acquisition of such lands be extinguished.

A.D. 1932.
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Extinction
of private
rights of
way.

(2) Provided that the Board shall make compensation to all parties interested in respect of any such rights so determined and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

50.—(1) The Board may divert in the manner shown on the deposited plans the public footpath in the borough leading from Hady Hill to Crow Lane and Wetlands Lane and marked on the said plans as intended to be diverted and may stop up and cause to be discontinued as a footpath so much of the said footpath as will be rendered unnecessary by the new portion of footpath shown on the deposited plans but the Board shall not stop up the said existing portion of footpath until two justices acting in and for the county of Derby shall have certified that the said new portion of footpath has been completed to their satisfaction and opened for public use.

Diversion of
footpath.

(2) As from the date of the said certificate all public rights of way over or along the existing portion of footpath shall be extinguished and the Board may appropriate and use for the purposes of the undertaking the site of the portion of footpath stopped up as far as the same is bounded on both sides by lands of the Board and the site of such portion of footpath shall be vested in them.

51. For the purpose of determining any question of disputed compensation payable in respect of land taken under the powers of this Act the tribunal to whom that question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twenty-sixth day of November nineteen hundred and thirty-one if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in
case of
recently
acquired
interest.

A.D. 1932.

Power to enter upon property for survey and valuation.

52. The Board 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 to the occupier enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purposes of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Further powers of entry.

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

Persons under disability may grant easements &c.

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

Period for compulsory purchase of lands.

55. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of October nineteen hundred and thirty-five.

Period for completion of water-works and

56.—(1) If the works authorised by this Act and shown on the deposited plans and sections are not completed by the thirty-first day of October nineteen

hundred and thirty-eight then subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

A.D. 1932.

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enlargement
of works.

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

57.—(1) The Board in addition to any other lands acquired or held by them in pursuance of this Act may by agreement purchase take on lease acquire and hold for the purposes of the undertaking (including the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Board are empowered to take) any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Board deem necessary for those purposes.

Power to
purchase
additional
lands by
agreement.

(2) Provided that the Board shall not create or permit the creation or continuance of any nuisance on any such lands nor (without the approval of the Minister) 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 undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Board.

(3) The Board may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Board are empowered to take from being polluted and the Board may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road 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.

A.D. 1932.

(4) The Board may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Board or by 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 Board are for the time being authorised to take.

Reservation
of water
rights &c.
on sale.

58. The Board on selling any lands acquired by them in connection with the undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to
retain sell
&c. lands.

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

(2) The Board shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

A.D. 1932.

(3) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Board in any case in which such consent would be required if this Act had not been passed.

(4) Nothing in this section contained shall release the Board or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Board or any person from or through whom the Board may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this section had not been enacted.

60. The Board may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Board shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

Proceeds of
sale of
surplus
lands.

61. The Board may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of the undertaking 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 Board for the purposes of the undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Board for those purposes.

Dwelling-
houses for
employees
and offices.

A.D. 1932.

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Exercise of powers of section 12 of Waterworks Clauses Act 1847.

62.—(1) The Board may on all or any of the lands for the time being held by them in connection with the undertaking execute for the purposes thereof or in connection therewith any of the works and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847.

(2) Provided that the Board shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Board to have powers of urban sanitary authority for supply of water.

63.—(1) Within the limits of supply the Board subject to the provisions of this Act shall have and enjoy and may exercise all the powers rights and authorities of an urban sanitary authority under the Public Health Act 1875 and the Acts amending the same with respect to the supply of water and the acquisition of land and shall be deemed to be a local authority for the purposes of section 80 of the Public Health Act 1925.

(2) Provided that nothing in the said Acts contained shall authorise the Board to charge for the supply of water any rates other than the rates which they are by this Act authorised to charge.

(3) For the purposes of section 52 of the Public Health Act 1875 the Board shall be deemed to be a water company within the meaning of that Act.

(4) Section 303 of the Public Health Act 1875 shall extend and apply to and the powers thereof may be exercised by the Board as if they were a local authority within the meaning of that section and as if the purposes of this Act were purposes of the Public Health Act 1875 and on the application of the Board the Minister may make such orders as he is by that section empowered to make on the application of a local authority.

(5) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this Act.

(6) Nothing in this section shall authorise the Board to carry any water mains into through or under any lands of a railway company without the consent in writing of that company which consent shall not be unreasonably

withheld If any difference arises as to whether any such consent is unreasonably withheld that difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers. A.D. 1932.

64.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Board the Board may cause the water in any such works to be discharged into any available stream or watercourse and for that purpose the Board may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto. Discharge of water into streams.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such powers the amount of compensation to be settled in default of agreement by arbitration and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(3) The Board shall not in exercising the powers of this section cast or permit or suffer to pass or be cast or washed into any river stream or tributary passing through or by the county of Derby (including any county borough in the said county) any mud or offensive matter or other deposit or materials and they shall remove all such mud offensive matter or materials to some convenient place to prevent the same from being washed into any such river stream or tributary as aforesaid.

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

65. The Board shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament including the lands shown on the plans deposited in respect of this Act or any Act or Order repealed by this Act or the Act of 1923. Limiting powers of Board to abstract water.

A.D. 1932.

Saving for
rights to
quarry.

66.—(1) The provisions of this Act shall not prejudice the right of the persons entitled so to do to quarry in any unworked portions of so much of the quarry allotment set out under the Bolsover and Clown inclosure award dated the fourteenth day of February seventeen hundred and eighty-one and numbered 79 on the plan relating to that award as is included in the lands numbered on the deposited plans 21 22 23 and 24 in the urban district.

(2) The Board shall not inclose any part of the said quarry allotment without the consent of the Minister of Agriculture and Fisheries.

For protec-
tion of
county
council.

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

(1) The Board shall not except by agreement purchase or take the lands numbered on the deposited plans 10 in the parish of Sutton cum Duckmanton or any part thereof but the Board may acquire and the county council shall if so required by the Board sell and grant to the Board easements or rights in or under the said lands under and in accordance with section 48 of this Act:

(2) In relation to the execution of the works and the exercise of the powers authorised or conferred upon the Board by this Act so far as they affect any road in the county of Derby which may now or hereafter be or become a county road (in this section referred to as “any county road”) or so far as they affect any county bridge or approaches or other county work in the said county vested in the county council the provisions of section 403 (For further protection of the county council) of the Act of 1923 shall so far as the same are applicable extend and apply to and enure for the protection of the county council in the same manner and to the same extent as if the said provisions were re-enacted in this Act with the substitution for

references in the said section to "the Corporation" "any main road" and "the said parts of this Act" of references to "the Board" "any county road" and "this Act" respectively.

A.D. 1932.
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68. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (each of which companies is in this section referred to as "the company") shall unless otherwise agreed in writing between the Board and the company apply and have effect (that is to say):—

For protection of railway companies.

(1) Notwithstanding anything contained in this Act the Board shall not without the consent of the company previously obtained purchase or acquire any of the lands or property of the company but the Board may subject to and in accordance with section 48 of this Act acquire and the company shall grant an easement or right of constructing and maintaining and obtaining access to the works by this Act authorised in under or over the railways works and property of the company:

(2) Any works constructed or laid under the powers of this Act in under over or in any way affecting any railway or other property of the company (hereinafter called "the authorised works") shall (except in cases of emergency) be constructed and maintained in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the company and under his reasonable direction and superintendence (if given):

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

(3) The Board shall not without the previous consent in writing of the company enter upon or alter or interfere with the railways works and property of the company further or otherwise than may be

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necessary for constructing repairing maintaining renewing using altering or removing the said works or any of them of which they shall give to the company twenty-one days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given :

- (4) The Board shall with all dispatch restore and make good to the reasonable satisfaction of the said engineer the railways and other property of the company so far as disturbed or interfered with by or in connection with the authorised works :
- (5) If the company give notice in writing to the Board within twenty-one days after the submission of the plans sections and specifications referred to in subsection (2) of this section that they desire so to do they may and shall themselves execute and maintain so much of the authorised works (other than the actual laying down and maintenance of the pipes) as will be situate on the property of the company and the Board shall pay to the company the reasonable expenses incurred by the company in connection therewith :
- (6) The authorised works shall be constructed and maintained so as to cause as little injury or damage as may be to the railways or other property of the company and so as not to cause any interruption to the passage or conduct of traffic thereover and if any such injury damage or interruption arises from the acts or operations of the Board or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the company at the reasonable expense of the Board and the Board shall indemnify the company from all claims for or arising out of any such injury damage or interruption :
- (7) If the Board fail to maintain the authorised works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer the company after giving to the

Board not less than fourteen days' notice except in case of emergency when they shall give the longest notice practicable may make good the same and make and do in and upon the lands of the Board or their own lands all such repairs and things as may be reasonably requisite and recover from the Board the reasonable expenses incurred by them in connection therewith : A.D. 1932.

- (8) If by reason of the construction or maintenance of the authorised works it shall become necessary to reconstruct alter strengthen underpin or in anywise interfere with the structure of any bridge embankment or other work of the company such reconstruction alteration strengthening or underpinning shall be carried out by the company after giving (except in case of emergency) not less than seven days' notice of their intention so to do to the Board at such times and in such manner as they may think expedient or necessary and the reasonable cost thereof shall be borne and paid by the Board :
- (9) If by reason of the authorised works it shall become necessary to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railways of the company the company may effect such alterations and the Board shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (10) The Board shall bear and on demand pay to the company the reasonable expense incurred by the company of and in connection with the superintendence by the said engineer of the authorised works and of and in connection with the employment by the company during the carrying out of any works of construction maintenance repair renewal or removal of the authorised works in under or over the railways of the company of such inspectors watchmen or signalmen to be appointed by the company as may be reasonably necessary for watching and protecting the railways of the company and the conduct of the traffic thereon with reference to

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and during the carrying out of any such works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Board or their contractors or any person or persons in the employ of the Board or their contractors :

- (11) If at any time it shall be found necessary in order to enable the company in the exercise of their existing powers to carry out any alterations widenings or extensions of their railways or works or to adapt their railways for working by electrical power that the position of the authorised works shall be altered the Board shall on receiving notice in writing from the company so to do at the Board's own cost and with reasonable dispatch alter the position of the same so far as may be necessary to enable the company to carry out such alterations widenings extensions or adaptation and the provisions of this section shall apply to the authorised works in their altered position :
- (12) Any additional expense which the company may reasonably and properly incur in connection with their railways or other works by reason of the existence of the authorised works shall be paid by the Board :
- (13) Any difference which may arise between the Board and the company under the preceding subsections except subsection (1) hereof shall be determined by an engineer to be 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.

Confirma-
tion and
modification
of agree-
ments with
Earl
Bathurst.

69.—(1) The agreement dated the eighth day of May nineteen hundred and three and made between the Right Honourable Seymour Henry Earl Bathurst of the one part and the Bolsover and District Water Company Limited of the other part the agreement dated the thirtieth day of June nineteen hundred and twenty-three

and made between the said Earl Bathurst of the first part and the said Bolsover and District Water Company Limited of the second part and the Urban Council of the third part and the lease dated the twenty-third day of August nineteen hundred and twenty-seven and made between the said Earl Bathurst of the first part the Honourable Allen Benjamin Bathurst Frederick William Beresford Cripps and Cuthbert Leicester-Warren of the second part and the Urban Council of the third part except in so far as those documents relate to the supply of water outside the limits of supply shall be binding on the said Earl Bathurst and his sequels in title (all of whom are in this section referred to as "the owner") and on the Board and shall have effect as if the Board were therein mentioned instead of the Urban Council:

A.D. 1932.
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Provided that when the provisions of subsection (2) of this section are in operation those provisions shall be in substitution for the covenant on the part of the Urban Council contained in the said lease of the twenty-third day of August nineteen hundred and twenty-seven to discharge surplus water at the rate of five thousand gallons an hour.

(2) The following provisions shall have effect when the pumping station (Work No. 1) by this Act authorised shall be completed and becomes part of the Board's undertaking:—

(a) If at any time the flow of water in the Whaley stream immediately below the said Work No. 1 shall be less than at the rate of one hundred and twenty thousand gallons per day of twenty-four hours the Board shall not take divert or appropriate under the powers of this Act any water by means of the said Work No. 1 unless at the same time they pump into or otherwise send down the said stream such quantity of water as may be necessary to maintain a flow at the rate of one hundred and twenty thousand gallons per day of twenty-four hours and during such times as the Board pump into or otherwise send water down the said stream the flow therein shall be kept as nearly uniform as is practicable;

(b) For the purpose of measuring the quantity of water which in pursuance of this section is to

A.D. 1932.

flow down the said Whaley stream the Board shall erect and thereafter maintain on the said stream at or near a point on the said stream to be agreed between the owner and the Board not more than one hundred and thirty yards measured in a north-easterly direction from the north-western corner of the enclosure numbered 505 in the urban district on the 1/2500 Ordnance map of Derbyshire sheet XXVI 3 edition of 1918 a proper and sufficient automatically recording measuring gauge or orifice over or through which the water so flowing shall pass ;

- (c) The said gauge or orifice and the records obtained by means thereof shall be open at all reasonable times to the inspection and examination of the owner or his duly accredited representatives and the owner or his representatives may take copies of such records ;
- (d) In case of any neglect on the part of the Board to maintain the said gauge or orifice in a state of efficiency or in case of any other neglect by or in consequence of which water shall be appropriated by the Board in contravention of the provisions of this section they shall for every day on which such neglect occurs forfeit and pay to the owner (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss or injury sustained by him ;
- (e) If any difference shall arise between the Board and the owner with respect to the construction or use of the said gauge or orifice the state of repair or condition thereof or with respect to any other provisions of this section such difference shall be referred to the arbitration of an engineer nominated (unless otherwise agreed) on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers.

For protec-
tion of Earl
Bathurst
and his
tenants.

70. The following provisions for the protection and benefit of the Right Honourable Seymour Henry Earl Bathurst and other the owner and tenants of the protected well hereinafter defined shall have effect except so far as

may be otherwise agreed between the owner and the Board:— A.D. 1932.

(1) In this section—

“The protected well” means the well situate in the village of Whaley and used by the occupier of Beck Cottage;

“The owner” means the owner and tenant of the protected well:

(2) If it shall be proved that the pumping by the Board from the pumping station (Work No. 1) authorised by this Act (in this section referred to as “the pumping station”) has caused any diminution of the supply in the protected well the Board shall upon the written request of the owner afford to the owner a supply of water equal to the amount of such diminution as so proved at such cost or rate (if any) that the total cost to the owner of obtaining his full supply shall be the same (as nearly as may be) after as before the construction of the pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration:

(3) Provided that—

(a) The Board shall not be liable in respect of any claim made by the owner under this section if he shall have failed to afford to the officers servants or other representatives of the Board at all reasonable times after the passing of this Act access to the protected well and facilities for ascertaining particulars thereof and the level of the water therein;

(b) The Board shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought unavoidable cause or accident:

(4) The Board may carry out all necessary works and may exercise the powers of section 54 (Power of carrying mains) of the Public Health Act 1875 and the owner shall grant to the Board free of cost any necessary wayleaves:

A.D. 1932.

- (5) The Board may if they think fit in lieu of making good the diminution of supply from the protected well deepen the said well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give the Board access and every facility for carrying out such deepening borings or headings:
- (6) The Board may if they think fit in lieu of affording a supply equal to the diminution as aforesaid make compensation in money to any such owner for such diminution:
- (7) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

PART V.

SUPPLY OF WATER.

Limits of supply.

71. The limits of supply of the Board shall be the borough the urban districts of Bolsover and Brampton and Walton the parishes of Brimington and Hasland in the rural district of Chesterfield and so much of the parish of Wingerworth in that district as is situate within an area immediately south of the borough boundary and extends in a southerly direction for a distance of fifty-three chains along Derby Road and on either side of Derby Road for a distance of fourteen chains to the west and six chains to the east thereof.

Amendment of section 35 of Water-works Clauses Act 1847.

72. The provisions of section 35 of the Water-works Clauses Act 1847 shall in their application to the Board be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Guarantees by local authorities.

73.—(1) A local authority any part of whose district is within the limits of supply may give and enter into any guarantee or contract for securing

payment to the Board 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 local authority and the Board for the purpose of or with respect to the providing or laying down by the Board of any main pipe or works for the supply of water within any part of such district which is within the limits of supply. A.D. 1932.

(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 local authority they may incur expenditure and any such local authority may raise any money which may become payable to the Board under this section in like manner as money may be raised under the provisions of any such general Act.

(3) Provided that 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 but the provisions of this subsection shall not affect the operation of section 56 of the Local Government Act 1929.

74. The water supplied by the Board need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is taken. Limit of pressure.

75.—(1) All water supplied by the Board for domestic purposes shall be pure and wholesome. If at any time it shall appear to the Board that any water so supplied by them is liable to act upon lead in such a manner as to endanger the health of the consumer the Board shall forthwith treat any water so supplied so as to prevent such action. For prevention of plumbism.

(2) If at any time it shall appear to the medical officer of health for the county of Derby that any water supplied by the Board is liable to act upon lead in such a manner as to endanger the health of the consumer the Board shall upon being required so to do by the county council forthwith treat any water so supplied so as to prevent such action :

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Provided that if any difference arises between the Board and the county council with respect to any requirement made under this subsection the difference shall be determined by the Minister on the application of either of the parties.

(3) If the Board shall at any time supply water otherwise than in accordance with the provisions of subsections (1) and (2) of this section they shall be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding ten pounds for every day during which such default shall continue.

(4) The local authority for any district situate wholly or partly within the limits of supply and the county council may take proceedings to enforce the provisions of this section and for the recovery of penalties thereunder :

Provided that the Board shall not incur more than one penalty (other than a daily penalty) for the same offence.

Rates for
domestic
supply.

76.—(1) The Board shall at the request of the owner or occupier of any dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate per annum not exceeding twelve and a half per centum on the gross value of such dwelling-house.

(2) Provided that the Board shall not be required to supply any such premises with water for a less sum than thirteen shillings per annum.

(3) The gross value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the period for which the rate accrues or by any alterations in or additions to such list made during such period :

Provided that where the water rate is chargeable on the gross value of a part only of any hereditament entered in the valuation list such gross value shall be a fairly apportioned part of the gross value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing rates the Board may charge in respect of every fixed bath capable of containing not more than fifty gallons and of every bath having an emptying aperture and capable of containing more than twenty gallons but not more than fifty gallons a sum not exceeding ten shillings per annum and for every such bath capable of containing more than fifty gallons such sum as the Board may think fit such additional sum to be paid half-yearly in advance and to be recoverable in all respects with and as the water rate:

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Provided that no additional charge shall be made in respect of the first bath on any premises which is not capable of containing more than fifty gallons.

77.—(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Board may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

Charges for animals and vehicles.

(2) Any sums chargeable under this section shall be in addition to the rates authorised by this Act for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(3) Where water supplied by the Board to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Board may if they think fit require that all water so used by means of any such hose-pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

78. Where a person who takes a supply of water from the Board 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

Charges for refrigerating and similar apparatus.

[Ch. lxxxvii.] *Chesterfield and* [22 & 23 GEO. 5.]
Bolsover Water Act, 1932.

A.D. 1932. — depending for proper use upon a constant supply of running water (other than apparatus for the purpose of softening water to be used for domestic purposes) the Board may if they think fit require that all water used for or in connection with the said apparatus shall—

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

Rates payable by owners of small houses.

79.—(1) Where any premises supplied with water are let to monthly or weekly tenants or to tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Board so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner.

(2) Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Dates for payment of water rates.

80.—(1) Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Board may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance on the first day of April and the first day of October in each year :

Provided that such rates rents and charges shall not be recoverable until the expiration of two months from the said first day of April and first day of October respectively.

(2) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such

person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Board.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

81.—(1) The Board shall not be bound to supply with water otherwise than by meter—

Supply to houses partly used for trade &c.

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade business or manufacturing purpose for which water is required; or
- (b) any mental or other hospital (whether public or private) sanatorium club hotel public-house restaurant inn or common lodging-house; or
- (c) any boarding-house or public institution habitually occupied by at least twelve persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Board may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Board to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the gross value thereof.

(3) The amount to be paid under the provisions of this section exclusive of meter rent shall not in any one quarter of a year be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

82. The Board may supply water for other than domestic purposes on such terms and conditions as they think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates :

Supply by meter.

[Ch. lxxxvii.] *Chesterfield and Bolsover Water Act, 1932.* [22 & 23 GEO. 5.]

A.D. 1932.

Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Price of supply by meter.

83.—(1) The price per thousand gallons to be charged for a supply of water by meter shall not exceed—

- (a) one shilling and sevenpence for the first twenty-five thousand gallons per quarter;
- (b) one shilling and sixpence for the second twenty-five thousand gallons per quarter;
- (c) one shilling and fivepence for the third twenty-five thousand gallons per quarter;
- (d) one shilling and fourpence for the fourth twenty-five thousand gallons per quarter;
- (e) one shilling and threepence for the next one hundred and fifty thousand gallons per quarter;
- (f) one shilling and twopence for the next two hundred and fifty thousand gallons per quarter;
- (g) one shilling and one penny for the next five hundred thousand gallons per quarter;

and for any quantity above one million gallons per quarter the price of one shilling for each one thousand gallons.

(2) Provided that in the case of water supplied through a pipe the size of which is not less than one and a half inches if the quantity of water supplied in any year is less than the quantities mentioned in the following table the Board may charge for those quantities (namely) :—

	Minimum quantity charged per annum.
(a) When the size is one and a half inches - - - -	60,000 gallons.
(b) When the size exceeds one and a half inches and does not exceed two inches - -	100,000 gallons.
(c) When the size exceeds two inches and does not exceed three inches - - - -	200,000 gallons.
(d) When the size exceeds three inches - - - -	400,000 gallons.

84.—(1) Where water is supplied by meter the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate rent or charge is charged and sought to be recovered by the Board.

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As to
register of
meters.

(2) Provided that if the Board and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party 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 such court shall be final and binding on all parties.

(3) If any meter used by a consumer of water be 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 first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Board shall be paid by or to the Board to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as water rates are recoverable by the Board.

85.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Board or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Board shall (without prejudice to any other right or remedy for the protection of the Board) be liable to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained.

Injuring
meters &c.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Board or has fraudulently altered the index to any meter or other instrument for

A.D. 1932. measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Board the Board may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Board by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use (as the case may be) has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Special
terms for
supplies to
caravans
&c.

86.—(1) Notwithstanding anything in any Act relating to the Board a person shall not be entitled to demand or continue to receive from the Board a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Board to take a supply of water by meter and to pay to the Board 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 Board 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.

(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. A.D. 1932.

87.—(1) The Minister may if he thinks fit from time to time on the application of the Board or of either of the constituent authorities or of any local authority any part of whose district is within the limits of supply by order vary either by way of increase or decrease the rates and charges for the supply of water which the Board are by this Act authorised to charge and such order may provide for the alteration of the basis of such rates and charges : Revision of water rates.

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will enable the Board to meet their annual expenditure and will provide a reasonable sum as a contribution towards a reserve fund so long as such fund does not amount to the maximum prescribed by section 132 of this Act.

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

88. If a justice be satisfied on complaint by any collector of water rates due to the Board that any person is quitting or about to quit any premises to which the Board supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons. Recovery of rates from persons removing.

89.—(1) The Board may make byelaws—

(a) for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature material workmanship and strength and the mode of arrangement connection disconnection alteration and repair

Byelaws for preventing waste &c. of water.

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of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination; and

(b) as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Such byelaws shall apply only in the case of premises to which the Board afford or are prepared on demand to afford a constant supply of water.

(3) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings valves and other apparatus used on any premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway of a railway company.

(4) In case of failure of any person to observe such byelaws as are for the time being in force the Board may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Board as the water rates in respect of the premises are recoverable.

(5) Any person who shall forge or counterfeit any stamp or mark used by the Board or by the authority of the Board for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to
supply
water
fittings.

90.—(1) The Board may if requested by any person supplied or about to be supplied by them with water furnish to him whether by way of sale or hire and repair or alter (but shall not manufacture) any such

pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their byelaws and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Board for the sale or hire of such materials and for executing such work shall be paid by the person requiring the same. A.D. 1932.

(2) Any fittings let for hire under the provisions of this section 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 other than meters 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 Board or their predecessors as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Board on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removeable by the Board :

Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows :—

(a) The Board shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

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(b) When a demand note delivered by the Board to a consumer includes a sum charged by the Board in respect of providing such fittings or the fixing repairing or removal thereof such sum shall be clearly stated in such demand note;

(c) The total sums expended and received by the Board in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the undertaking for such year.

(5) Any payment due to the Board for the sale or hire of such fittings or materials or for executing such work may be recovered summarily as a civil debt provided the amount thereof does not exceed twenty pounds.

Power to
sell meters.

91. The Board may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Separate
communi-
cation pipes
may be
required.

92.—(1) The Board shall not be bound to supply with water more than one house or part of a house occupied as a separate tenement 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 or part of a house occupied as a separate tenement supplied by them with water.

(2) If the owner of any house or part of a house occupied as a separate tenement and supplied with water by the Board 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 into such house or part of a house the Board may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from the owner.

Mainten-
ance of
common
pipe.

93. When several houses or parts of houses 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 parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Board in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Board. A.D. 1932.

94. If in the opinion of the Board any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Board are not under obligation to maintain it shall be lawful for the Board to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Board for the purposes of ascertaining the 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 Board in like manner as the water rates in respect of the premises are recoverable : Power to Board to repair communication pipes.

Provided that (except in case of emergency) the Board 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 if the water rates in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter.

95.—(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. As to communication pipes.

(2) The Board may by agreement with any owner or occupier entitled or required to lay maintain repair

[Ch. lxxxvii.] *Chesterfield and Bolsover Water Act, 1932.* [22 & 23 GEO. 5.]

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or remove any communication pipe and for that purpose to open or break up any street in the limits of supply execute such works on behalf of such owner or occupier and any expenses incurred by the Board shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to remove meters and fittings.

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

Notice to Board of connecting or disconnecting meters.

97. Before any person connects or disconnects any meter by means of which any of the water of the Board is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Board of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Board and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Meters may be placed in streets to measure water or detect waste.

98.—(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 Board may for the purpose 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 Board and stopcocks 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 break up and interfere with temporarily public and private streets sewers gas or water pipes electric lines wires and apparatus.

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

(3) Provided also that the Board shall not enter upon break up or interfere with the railways or works or any street or road or any electric lines wires or apparatus belonging to or maintained by a railway company without the consent of that company (such consent not to be unreasonably withheld) or unreasonably interfere with or render less convenient the access to or exit from any station or depot of a railway company.

99. A notice to the Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Board.

Notice of
discon-
tinuance.

100. The Board may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the limits of supply for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing food or drink for the use of man.

Cleansing of
cisterns.

101. Every person who shall wilfully (without the consent of the Board) or negligently close or shut off any valve cock or other work or apparatus belonging to the Board whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Board) be liable to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained :

Penalty for
closing
valves and
apparatus.

Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

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Penalty for interfering with valves &c.

102. 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 a supply of water by the Board who shall without the authority of the Board turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Board 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.

103. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the engineer of the Board or any person duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering under the said section 57 or under this section or for making such examination as aforesaid 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 also be liable to a penalty under this section.

Contracts for supplying water in bulk.

104. The Board may enter into and carry into effect agreements with any local authority body company or person for the supply of water beyond the limits of supply to any such authority body company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Provided that such supply shall not be given except with the consent of any authority body company or person supplying water under parliamentary authority within the area to be supplied and of the local authority

of the district comprising that area nor if and so long as such supply would interfere with the supply of water within the limits of supply. A.D. 1932.
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105. The Board may enter into and carry into effect agreements with any local authority body company or person supplying water under parliamentary authority and with the approval of the Minister in the case of any water intended for domestic consumption with any other local authority body company or person for the purchase of water in bulk by the Board for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased may be used by the Board for the purposes of the undertaking. Purchase of water in bulk.

106. The Board may with the consent of the council of the rural district of Chesterfield supply water to the owner or occupier of any house or premises within that rural district and beyond the limits of supply and not within the limits of supply of any company empowered by Act of Parliament or Provisional Order confirmed by Act of Parliament to supply water on such terms and conditions and for such period or periods as the Board and such owner or occupier may agree and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Supply in rural district and by rural council.

107. For the protection of the Brampton Council the following provisions shall unless otherwise agreed between the Board and the said council have effect (that is to say):— For protection of Brampton and Walton Council.

- (1) The terms and conditions contained in the Second Schedule to this Act shall apply and have effect with regard to the supply of water by the Board within the Brampton district:
- (2) If the Brampton Council give notice to the Board under section 30 of this Act that they desire to become a constituent authority of the Board and the Board do not within three months from the receipt of such notice make such application to the Minister as is in that section referred to the Brampton Council may themselves apply to the Minister for a Provisional Order constituting the Brampton Council

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a constituent authority upon such terms and conditions as may be agreed between the Board and the said council or as failing agreement may be determined by the Minister and the Minister may make such Order in accordance with the provisions of the said section.

PART VI.

FINANCE.

Consideration for transfer of undertakings to Board.

108.—(1) The Board shall as consideration for the transfer of the existing undertakings in every financial year pay to the Corporation and the Urban Council respectively a sum equivalent to the sums (if any) to be expended during that year by those authorities respectively in the payment of gross interest upon and for the repayment of money borrowed in respect of their respective water undertakings and the sums paid into a sinking fund for the repayment of such moneys :

Provided that such sums shall unless otherwise agreed be paid by half-yearly payments.

(2) If any question shall arise as to the method of calculating for the purposes of this section the sums to be expended or paid by the constituent authorities the same shall be settled by arbitration.

As to funds and moneys not transferred to Board.

109. Any funds money and securities belonging to either of the constituent authorities in connection with their water undertaking immediately before the appointed day and not transferred to the Board by virtue of this Act (including any reserve fund but not including money required for and applicable to the payment of current expenses nor moneys accumulated for the redemption of debt) together with any money received from the Board in pursuance of section 33 of this Act may be applied by such authority in the redemption of stock or repayment of borrowed money and until so applied be invested in statutory securities and any interest or dividends from the investments thereof shall be carried to the credit of the general rate fund of such authority.

Power to Board to borrow.

110.—(1) The Board 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 Board may mortgage or charge the revenues of the Board and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Act shall respectively be "the prescribed period") mentioned in the third column of the said table (namely):—

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1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements	£ 1,024	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act (except pumping machinery gravity filters and sterilization and softening plant).	44,976	Forty years from the date or dates of borrowing.
(c) The provision of the pumping machinery gravity filters and sterilization and softening plant authorised by this Act.	21,000	Twenty years from the date or dates of borrowing.
(d) Working capital - - - -	10,000	Ten years from the date or dates of borrowing.
(e) The repayment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the appointed day.

(2) (a) The Board may also with the consent of the Minister borrow such further money as may be required for the purposes of the undertaking.

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

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Act.

[Ch. lxxxvii.] *Chesterfield and* [22 & 23 GEO. 5.]
Bolsover Water Act, 1932.

A.D. 1932.

Mode of
raising
money.

111. The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purpose of such issue under the Local Loans Act 1875 the Board shall be deemed a local authority under that Act and the revenues of the Board shall be deemed to be the local rate as defined by that Act :

Provided that the provisions of this Act in regard to sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

Board may
issue stock.

112. The Board shall be deemed to be an urban authority within the meaning of Part V of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act and may exercise their borrowing powers by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained and the regulations made thereunder :

Provided that the Minister may by order make all such variations additions amendments and adaptations of all or any of the provisions contained in the said Part of the said Act or in the regulations made thereunder as may be necessary to make the same applicable.

Power to
constituent
authorities
to borrow
and lend to
Board.

113.—(1) The constituent authorities with the consent of the Minister may from time to time independently of any other borrowing power borrow at interest the money which the Board are by this Act authorised to borrow and such money may be lent by the constituent authorities to the Board on such terms and conditions as may be agreed between the Board and the constituent authority.

(2) Any money borrowed by either of the constituent authorities under this section shall be repaid within the period within which the Board are required to repay the money by virtue of this Act.

(3) (a) In order to secure the repayment of the money borrowed under this section and the payment

of the interest thereon a constituent authority may mortgage or charge the general rate fund and the general rate of their district. A.D. 1932.

(b) A constituent authority may raise such money either by mortgage or by the issue of stock in accordance with the provisions of Part V of the Public Health Acts Amendment Act 1890 or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another and the provisions of the Public Health Act 1875 relating to the borrowing and repayment of money (except subsection (1) of section 234 of that Act) shall apply to all moneys borrowed by such constituent authority under this section.

(4) Section 129 of this Act shall apply to a constituent authority borrowing money under the provisions of this section as though the constituent authority and the clerk to the constituent authority had been named therein instead of the Board and the clerk respectively.

114. All mortgages debentures annuity certificates and stock granted or issued by the Board under any statutory borrowing power and the interest thereon respectively shall be charged indifferently on all the revenues of the Board and 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 granting or issue of the security or on any other account whatsoever. Mortgages &c. to rank pari passu.

115. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):— Provisions of Public Health Act 1875 as to mortgages to apply.

Section 236 (Form of mortgage);
Section 237 (Register of mortgages);
Section 238 (Transfer of mortgages).

116. All moneys borrowed by the Board shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Application of money borrowed.

117. The Board shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of Mode of payment off of money borrowed.

A.D. 1932. principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months from the date of borrowing.

Sinking
fund.

118.—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the sum to be contributed to the fund in pursuance of the next succeeding section shall unless applied in repayment of the loan in respect of which the sinking fund is formed be within a reasonable period invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.

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

(4) The Board 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 : A.D. 1932.

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

(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 equal annual payments to the fund are based any deficiency shall be made good by the Board.

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

(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 Board in addition to the payments provided for by this Act.

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

Provided that if it appears to the Minister that any such increase is necessary the Board shall increase the payments to such extent as the Minister may direct.

A.D. 1932.

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

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

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

Interest on
and pay-
ment to
sinking
funds and
reserve
funds.

119. Where sums are set apart as a sinking fund for the purpose of paying off principal moneys borrowed by the Board under any statutory borrowing power or appropriated to a reserve fund the interest received in any year from the investment of the sums so set apart or appropriated shall form part of the revenue or fund out of which the sums were set apart or appropriated :

Provided that—

(1) In the case of an accumulating sinking fund the contributions to such fund out of such revenue or fund shall in that year be increased by a sum equal to the interest which would

have accrued thereto if interest calculated at the rate per centum per annum on which the annual payments to the sinking fund are based had been accumulated in the sinking fund; A.D. 1932.

- (2) In the case of a reserve fund a sum equivalent to the amount so carried to the revenue or fund as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the prescribed maximum.

120.—(1) Notwithstanding anything contained in any Act or Order the Board may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid— Consoli-
dated loans
fund.

- (a) all moneys borrowed by the Board whether by issue of mortgages stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Board whether from the sale of capital assets or otherwise except such as are applied by the Board with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Board to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Board as aforesaid before the date on which the consolidated loans fund is established.

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

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

A.D. 1932. — And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of these sums and their application.

(4) The Board may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Board within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Board to be equal as nearly as may be to the average rate of interest payable by the Board on their current borrowings.

(5) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(6) The powers conferred by this section shall not be put into operation by the Board except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

121.—(1) The Board shall have power—

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(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid; or

Power to re-borrow.

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board 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 period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

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

(4) The Board 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.

122. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any provisions of this Act or to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Protection of lender from inquiry.

123. The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by

Board not to regard trusts.

A.D. 1932. them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trusts or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Evidence
of transfer
or trans-
mission of
securities.

124. It shall not be obligatory on the Board 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 except securities to which regulations made under section 52 (Issue of stock) 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.

Receipt
in case of
persons not
sui juris.

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

Interest on
mortgages
held jointly.

126. Where more persons than one are registered as joint holders of any mortgage of the Board any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Board by any other of them.

Appoint-
ment of
receiver.

127.—(1) Any mortgagee of the Board 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.

(2) The application for the appointment of a receiver shall be made to the High Court. A.D. 1932.

128. Any expenses of the execution by the Board of this Act with respect to which no other provision is made shall be paid by the Board out of the revenues of the Board. Expenses
of execution
of Act.

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

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

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act 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 Board shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

A.D. 1932.

As to
collection
of rates &c.

130.—(1) The Board and either of the constituent authorities may enter into and carry into effect agreements with respect to the collection by such authority of the rates and charges which the Board are authorised to levy and take for and in connection with the supply of water and any agreement under this section may with respect to the whole or any part of such rates and charges provide for all or any of the following matters (that is to say) :—

- (a) That the authority may levy and recover such rates and charges as though they were payable to the authority and not to the Board;
- (b) That the authority may pay the money received in respect of such rates and charges to their own treasurer;
- (c) That all accounts and records of the authority in respect of such rates and charges shall be audited as part of the accounts of the authority;
- (d) That the authority shall make periodical payments to the Board by way of advance in respect of such rates and charges in such instalments and at such dates as may be agreed; and
- (e) That the authority shall keep a running account with the Board and shall account to the Board for the difference between the sums ultimately ascertained to be due to the Board and the payments made to the Board by way of advance.

(2) A constituent authority authorised to levy and recover rates and charges in pursuance of subsection (1) of this section shall have the same powers as the Board for such purposes.

Audit.

131.—(1) The Board shall from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of the London Association of Accountants Limited or of the Corporation of Accountants Limited to act as auditor or auditors of the accounts of the Board in such manner as the Board direct. Any auditor or auditors appointed by the Board under the provisions of this section and for the time being holding office is or are in this section referred to as “the appointed auditor.”

(2) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Board and may be for such term and subject to such conditions as the Board may think fit.

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(3) The capital and revenue accounts of the Board shall be made up for each financial year and shall be audited by the appointed auditor and he shall be entitled to require from any officer of the Board all such papers books accounts vouchers information and explanations as may be necessary for the performance of his duties.

(4) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Board such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

132.—(1) The Board shall apply all moneys received by them in respect of the undertaking except money borrowed and money received from the sale of lands or other money received on capital account as follows (that is to say) :—

Application
of revenue
and as to
deficiency.

First In payment of working and establishment expenses and cost of maintenance of the undertaking (including the payment of any moneys payable by the Board in respect of water supplied to them);

Secondly In payment of the sums referred to in section 108 of this Act;

Thirdly In payment of the interest on moneys borrowed by the Board for the purposes of the undertaking;

Fourthly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board for the purposes of the undertaking;

Fifthly In extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;

Sixthly In providing working capital (if the Board think fit);

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Lastly In providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and (subject to the provisions of section 120 of this Act) investing the same and the sum to be added to the fund in pursuance of section 119 of this Act in statutory securities and accumulating the same at compound interest until the fund so formed amounts to a sum equal to one-tenth of the aggregate capital expended for the time being by the Board and by the constituent authorities upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for the payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(2) The balance remaining over in any year including any balance brought forward shall be carried forward to the following year and if such balance exceeds the sum of two thousand pounds the charges of the Board for the supply of water shall be reduced in such manner as the Board think fit to an extent equivalent to the amount of such excess.

(3) Any deficiency in the revenue of the undertaking shall be made good by the constituent authorities in proportion of eighty-eight in the case of the Corporation to twelve in the case of the Urban Council.

(4) The Board shall subject to the provisions of this Act make such rates and charges as will enable them to meet their expenses.

133. As soon as practicable after the completion of every financial year the clerk shall forward to the clerk of each constituent authority and to the clerk to the Brampton Council an abstract of the accounts of the Board for that year.

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Accounts
to be
furnished to
authorities.

PART VII.

MISCELLANEOUS.

134.—(1) The Board 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 area defined in the byelaws being the whole or part of the areas from or through which the said waters flow.

(3) Any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) All byelaws made under this section shall be subject to the approval of the council of every district comprising any part of the area within which it is proposed they shall be in force :

Provided that such approval shall not be necessary where in the opinion of the Minister it has been unreasonably withheld.

(5) The Board 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.

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Power to
grant
allowances
or gratuities
in certain
cases.

135.—(1) The Board may if they think fit in cases not within the Workmen's Compensation Act 1925 and not within a scheme established under the Local Government and other Officers' Superannuation Act 1922 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' salary or wages) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

Power to
promote or
oppose any
Bill.

136. The Board may promote or oppose Bills in Parliament and apply for or oppose applications for Provisional Orders or other statutory orders.

Subscrip-
tions to
associations
and pay-
ment of
certain
expenses.

137. The Board may pay out of their revenues as expenses incurred by them under this Act—

(a) reasonable subscriptions (whether annually or otherwise) to the funds of any association of water boards or water undertakers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply or of the officers of any such undertakers or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to water undertakers and any reasonable expenses of the attendance of any members or officers of the Board (not exceeding in any case four) at conferences or meetings of such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings; and

(b) reasonable expenses in connection with the public opening of works of the Board or works from which the Board are entitled to a supply of water.

138. Sections 259 and 265 of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Act were purposes of the Public Health Act 1875.

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Incorporation of sections 259 and 265 of Public Health Act 1875.

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

Evidence of appointments authority &c.

140.—(1) Where any notice or demand under any local Act Provisional Order byelaw or regulation for the time being in force requires authentication by the Board the signature of the clerk or other duly authorised officer of the Board shall be a sufficient authentication.

Authentica-
tion and
service of
notices &c.

(2) Notices demands orders and other documents required or authorised to be served under any Act or Order from time to time relating to the Board may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served :

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

141. Where under any Act or Order from time to time relating to the Board the Board give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are

As to
breach of
conditions
of consent
of Board.

A.D. 1932. authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Inquiries
by Minister.

142.—(1) The Minister 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 shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Board shall pay to the Minister 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 not exceeding five guineas a day for the services of such inspector.

Judges not
disqualified.

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

Contents of
summons
&c.

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

Confirma-
tion of
byelaws.

145. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Board under the powers of this Act.

Application
of Arbitra-
tion Act
1889.

146. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

147. Save as herein expressly provided all informa- A.D. 1932.
tions and complaints under or for the breach of any
of the provisions of this Act or of any byelaw made Informations by
thereunder may be laid and made by any officer of the whom to
Board duly authorised in that behalf or by the clerk be laid.
or by any police officer acting for or within the limits
of supply.

148. Save as otherwise by this Act expressly Recovery of
provided all offences against this Act or any byelaw penalties &c.
made in pursuance of this Act and all penalties
forfeitures costs and expenses imposed or recoverable
under this Act or any byelaw made in pursuance
thereof may be prosecuted and recovered in a summary
manner:

Provided that costs or expenses except such as are
recoverable along with a penalty shall not be recovered
as penalties but may be recovered summarily as civil
debts.

149. All penalties recovered on the prosecution of Penalties
the Board or any officer of the Board on their behalf to be
under this Act or under any byelaw thereunder shall paid over
be paid to the Board. to Board.

150. Proceedings for the recovery of any demand Recovery of
made under the authority of this Act or any incor- demands.
porated enactment or any local Act or Order for the
time being in force in the limits of supply whether
provision is or is not made for such recovery in any
specified court or manner may be taken in any county
court having otherwise jurisdiction in the matter
provided that the demand does not exceed the amount
recoverable in that court in a personal action.

151. All the costs charges and expenses preliminary Costs of
to and of and incidental to the preparing applying for Act.
obtaining and passing of this Act or otherwise in
relation thereto as taxed by the taxing officer of the
House of Lords or of the House of Commons shall in
the first instance be paid by the Corporation and the
Urban Council but shall be repaid to them by the
Board out of the moneys to be borrowed by them under
the powers of this Act.

A.D. 1932.

The SCHEDULES referred to in the
foregoing Act.

THE FIRST SCHEDULE.

PROVISIONS OF THE ACT OF 1923 SAVED FROM REPEAL.

Compensa-
tion water.

Section 36.—The Corporation shall not be entitled to take water from the rural district council by means of Work No. 14 (line of pipes No. 1) shown on the deposited plans of 1911 or any other work added thereto or in substitution therefor or by means of any other line of pipes used for the purpose of taking unfiltered water except subject to the following restrictions:—

- (1) The Corporation shall through a suitable measuring gauge placed at or near to the Ramsley Reservoir discharge or cause to be discharged from the line of pipes marked A B C D on a map (scale 6 inches to one mile) signed in triplicate by Sir Henry Kimber Bart. the Chairman of the Committee of the House of Commons to which the Bill for the Chesterfield Gas and Water Board Act 1911 was referred (one copy of which map was then deposited in the Parliament Office of the House of Lords one copy in the Private Bill Office of the House of Commons and one copy at the office of the water undertaking) and deliver into the Blake Brook one gallon of water in respect of every two gallons taken by the Corporation through the said Work No. 14 or any other work added thereto or in substitution therefor or by means of any other line of pipes used for the purpose of taking unfiltered water:
- (2) The said gauge shall be open to the inspection and examination of the board of conservators of the Trent Fishery District and all persons interested therein:
- (3) In case of any neglect on the part of the Corporation to maintain such gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to the county council and to each of the persons affected thereby (all or any of whom may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them:

(4) If any difference arise between the Corporation and any person so interested with respect to the construction or use of such gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers : A.D. 1932.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Corporation can divert collect impound or appropriate by means of the said line of pipes.

Section 51.—The Corporation shall properly and efficiently filter all water supplied for domestic purposes from the Linacre reservoirs. Filtration of water.

THE SECOND SCHEDULE.

TERMS AND CONDITIONS OF SUPPLY OF WATER TO THE URBAN DISTRICT OF BRAMPTON AND WALTON.

1. In this schedule—

“The prescribed area,” means those parts of the Brampton district in respect of which powers to construct the necessary works to afford a supply of water were obtained in the Chesterfield Gas and Water Board Act 1911 which powers were renewed by section 37 (Power to construct works) of the Act of 1923.

2. In consideration of the Brampton Council having surrendered and relinquished to the predecessors of the Board whatever rights the Brampton Council formerly possessed in the well at Holymoorside in the Brampton district called Whispering Well the waters therein and in all water mains stand-pipes tanks and other works formerly belonging to the Brampton Council and used for storing and distributing the water from the said well the inhabitants of Holymoorside aforesaid who on the twenty-sixth day of April nineteen hundred and five derived their supply of water from the said well at Holymoorside shall continue to have the free use of the said water until such time as the Board shall provide an efficient supply of water to the prescribed area.

[Ch. lxxxvii.] *Chesterfield and* [22 & 23 GEO. 5.]
Bolsover Water Act, 1932.

[A.D. 1932.]

3. Subject to the provisions of paragraphs 2 and 4 of this schedule the rates for the supply of water within the Brampton district shall be two-thirds of the rates for the time being prevailing in the borough.

4. The Board may should they consider it to be necessary so to do in the general interests of the undertaking after giving three months' notice in writing to the clerk to the Brampton Council of their intention so to do charge for the supply of water in the Brampton district the same water rates as those for the time being prevailing within the borough Provided that the Board shall not be entitled to charge higher water rates in the Brampton district than those prescribed by paragraph 3 of this schedule until such time as the Board shall provide an efficient supply of water to the prescribed area.

5. If and when the Board shall provide an efficient supply of water to the prescribed area the increased water rates shall be operative on and from the first day of April or the first day of October as the case may be next following the date when such efficient supply of water shall have been given.

6. The owners or occupiers of houses at Holymoorside abutting upon any public highway wherein the existing water mains are laid shall be at liberty to connect a supply pipe from their houses with the existing mains or any mains laid in substitution therefor at their own expense (subject to the work being carried out in compliance with the regulations for the time being in force within the limits of supply and to the satisfaction of the Board) but this paragraph shall not apply to any houses erected after the twenty-sixth day of April nineteen hundred and five.

7. The present stand-pipes shall be abolished and troughs covered and automatically fed by ball tap or otherwise as the Board may think proper (not less than four in number) shall be provided by the Board and placed in such positions to existing mains or any mains laid in substitution therefor as may be selected by the Brampton Council The supply to the troughs to be free and the inhabitants of Holymoorside to have free access thereto for ever provided that such supply shall not be used for other than ordinary domestic purposes or fouled and that no waste or undue consumption thereof shall take place The Board shall erect maintain and keep in repair the said troughs.

8. In case the water from Whispering Well becomes at any time diminished in quantity the Board will insure to the inhabitants of Holymoorside the first claim to the remaining water so that such inhabitants may have a constant and full supply (as far as may be) before any water is taken for the supply of other persons or for any other purpose.

9. The Board will supply to the Brampton Council free of cost such quantity of water as may be reasonably required for flushing the drains at Holymoorside not exceeding two hundred gallons at any one time and at not more frequent intervals than fourteen days. A.D. 1932.

10. If to maintain the existing supplies of water to Cutthorpe Old Brampton and Baslow Road in the Brampton district the Board require to have the free use of the piece of public ground at Wadshelf and of the land on the side of the road from Wadshelf to Old Brampton the Brampton Council will grant the same provided the Board maintain an adequate and free supply of water to the existing troughs at Wadshelf for the use of the inhabitants. And in the construction of any works or making of excavations the Board shall at all times keep the roads open and in a safe condition for traffic. Should the Board decide to supply the above-mentioned places with water from any other source the Brampton Council will afford similar facilities to those previously mentioned.

11. The Board will at all times hereafter indemnify the Brampton Council from all claims by any person or persons for any damage sustained or alleged to be sustained in consequence of anything done by the Board under the provisions of this schedule.

12. Any question arising under this schedule shall be referred to and determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference.

Printed by EYRE AND SPOTTISWOODE LIMITED,
FOR

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

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