



CHAPTER xvi.

An Act to enable the urban district council of Northallerton to construct further waterworks to vary the existing provisions in regard to the abstraction of water by the Council from streams they are authorised to appropriate to confer further powers upon the Council in regard to their water undertaking and for other purposes. [22nd May 1940.]

WHEREAS the urban district of Northallerton in the north riding of the county of York (in this Act referred to as "the district") is an urban district under the local government of the urban district council of Northallerton (in this Act referred to as "the Council"):

And whereas by the Northallerton Waterworks Act 1891 (in this Act called "the Act of 1891") the Northallerton Local Board the predecessors of the Council (in this Act called "the local board") were authorised to appropriate by means of the works authorised by the Act of 1891 which included certain aqueducts or lines of pipes and a collecting tank or reservoir (Work No. 2) for the purposes of their water undertaking the water of certain streams or springs known as the Oak Dale Stream and Slape Stones Beck and their respective tributaries but were not authorised to appropriate for the purposes of water supply into the said collecting tank or reservoir any greater quantity of water than one hundred and twenty thousand gallons a day:

54 & 55 Vict.
c. cxxxiv.

And whereas by section 18 of the Act of 1891 the local board were not to supply water until the Oakdale reservoir (Work No. 6) authorised by the Act had been constructed as in fact it was of a capacity of fifteen million gallons and there was being discharged into Oak Dale one hundred and twenty thousand gallons of water a day or such less quantity as should be sufficient to make up the water therein and in the Slape Stones Beck to the average flow ascertained as in the Act provided and the local board were not to appropriate any water in the said collecting tank from the Oak Dale or the tributaries thereof if and so long as they failed to maintain such supply as directed by the section :

9 Edw. 7.
c. lxxxiii.

And whereas by the Northallerton Waterworks Act 1909 (in this Act called "the Act of 1909") the Council were authorised to construct further works including an impounding reservoir across the Oak Dale Beck and to intercept impound and appropriate for the purposes of their water undertaking all waters which could be intercepted or abstracted by means of the works by the Act authorised but the Council were not to take collect or impound any water otherwise than by means of such impounding reservoir and then only when the flow of water as measured by the gauge then existing and known as the United West Gauge at the junction of the by-pass channel round the Oakdale reservoir with the Oak Dale Beck was not at a less rate than five hundred and seventy-five thousand gallons per day :

And whereas by section 11 of the Act of 1909 the Council were required (inter alia) to provide and maintain an automatic self-registering gauge to the reasonable satisfaction of the owners of the Walk Mill and the Old Mill in the parish of Osmotherley at or near the east end of the said collecting tank or reservoir (Work No. 2) authorised by the Act of 1891 to measure only the water passing into such tank otherwise than from the works authorised by the Act of 1909 and the amount of water as measured by such gauge was to be deemed to be the maximum amount of water which the Council were by subsection (4) of section 18 of the Act of 1891 required to allow to flow from the Oakdale reservoir but the Council were not required to allow

to flow from such reservoir a greater quantity of water a day than should be required to make up a continuous flow in the Oak Dale Beck to a greater rate than five hundred and seventy-five thousand gallons a day and the Council were not to impound water in the Oakdale reservoir or in the reservoir authorised by the Act of 1909 whenever the flow in the by-pass on the southern side of the Oakdale reservoir measured at the outlet of the by-pass in the Oak Dale Beck fell below five hundred and seventy-five thousand gallons a day :

And whereas it is expedient that in order to enable an increased supply of water to be obtained by the Council the obligations of the Council with regard to the discharge of compensation water and the restrictions upon the abstraction of water by the Council in the circumstances mentioned in the said recited sections of the Acts of 1891 and 1909 should be varied as in this Act provided :

And whereas it is expedient that the Council should be empowered to construct the additional waterworks authorised by this Act :

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

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

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

	£
(a) For the purchase of easements -	750
(b) For the construction of the works authorised by this Act - -	12,000
(c) For the provision of mains - -	2,000

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

And whereas plans showing the lands required or which may be taken or used compulsorily for the purposes or under the powers of this Act such plans showing the lines or situations of the works authorised by this Act and sections showing the levels of such works

with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the county council of the administrative county of the north riding of Yorkshire and are in this Act respectively referred to as the deposited plans sections and book of reference :

23 & 24
Geo. 5. c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed by the Council :

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

PART I.

PRELIMINARY.

Short and
collective
titles.

1.—(1) This Act may be cited as the Northallerton Urban District Council Act 1940.

4 Edw. 7.
c. cxviii.

1 & 2 Geo. 5.
c. cxlvi.

(2) The Northallerton Waterworks Acts 1891 and 1909 the Northallerton Order 1904 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 7) Act 1904 and the Northallerton Order 1911 confirmed by the Local Government Provisional Orders (No. 8) Act 1911 and this Act may be cited together as the Northallerton Waterworks Acts and Orders 1891 to 1940.

Act divided
into Parts.

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

Part I.—Preliminary.

Part II.—Construction of waterworks.

Part III.—Acquisition of lands.

Part IV.—Supply of water.

Part V.—Financial.

Part VI.—Miscellaneous.

3. The following Acts and parts of Acts so far as the same are applicable for the purpose and are not inconsistent with the provisions of this Act are hereby incorporated with this Act (that is to say):—

PART I.
—cont.
Incorporation of
Acts.

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

(a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

8 & 9 Vict.
c. 18.

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

(2) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions "the railway" shall mean the works authorised by this Act and "the centre of the railway" shall mean the centre of such works respectively:

8 & 9 Vict.
c. 20.

(3) The Waterworks Clauses Act 1847 except—

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

10 & 11 Vict.
c. 17.

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

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

(4) The Waterworks Clauses Act 1863.

26 & 27 Vict.
c. 93.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpreta-
tion.

26 Geo. 5. &
1 Edw. 8.
c. 49.

Ch. xvi. *Northallerton Urban District Council Act, 1940.* 3 & 4 GEO. 6.

PART I.
—cont.

(2) In this Act unless the subject or context otherwise requires—

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

“ the district ” means the urban district of Northallerton ;

“ the Act of 1891 ” means the Northallerton Waterworks Act 1891 ;

“ the Act of 1909 ” means the Northallerton Waterworks Act 1909 ;

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

“ the Lands Clauses Acts ” means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act ;

“ the clerk ” means the clerk of the Council ;

“ the tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 ;

“ the water undertaking ” means the water undertaking of the Council for the time being authorised ;

“ limits of supply ” means the limits within which the Council are authorised to supply water ;

“ the Minister ” means the Minister of Health ;

“ 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 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

41 & 42 Vict.
c. 76.

9 & 10 Geo.5.
c. 57.

by authority of any Act of Parliament passed or to be passed but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Local Government Act 1933;

PART I.
—cont.

“the general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the district;

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

38 & 39 Vict.
c. 83.

“authorised security” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money.

PART II.

CONSTRUCTION OF WATERWORKS.

5.—(1) Subject to the provisions of this Act the Council 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 waterworks:—

Power to
make water-
works.

Work No. 1 A catchwater conduit or drain in the parish of Osmotherley in the rural district of Northallerton commencing in the Slape Stones Beck at a point twenty-six yards or thereabouts measured in a south-westerly direction from the eastern corner of the

PART II.
—cont.

enclosure No. 92 on the 1/2500 Ordnance map Yorkshire (North Riding) sheet LVII.5 (edition of 1912) and terminating near the northern end of the embankment of the reservoir (Work No. 1) authorised by the Act of 1909;

Work No. 2 An aqueduct conduit line or lines of pipes commencing near the collecting tank or reservoir (Work No. 2) authorised by the Act of 1891 and terminating in the district near the service reservoir (Work No. 4) authorised by that Act;

Work No. 3 An aqueduct conduit line or lines of pipes commencing near the service reservoir (Work No. 4) authorised by the Act of 1891 and terminating at a point fifteen yards or thereabouts measured in an easterly direction from the north-west corner of the enclosure No. 619 on the 1/2500 Ordnance map Yorkshire (North Riding) sheet LVI.14 (edition of 1929).

(2) The Council may upon lands for the time being belonging to them for the purposes of the water undertaking or in respect of which they have or obtain easements make and maintain and from time to time alter renew and reconstruct all such tunnels works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the said works hereinbefore described or for obtaining access to inspecting maintaining cleansing managing working or using the same or any of them :

Provided that—

(a) nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them;

(b) any electrical apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

6. In the construction of any of the works authorised by this Act the Council may deviate laterally 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 (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits) and they may also deviate vertically from the levels shown on the deposited sections to any extent. Provided that except for the purpose of crossing over a stream no part of the works shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

PART II.
—cont.
Limits of
deviation.

7.—(1) If Works Nos. 2 and 3 authorised by this Act are not completed within five years of the first day of October one thousand nine hundred and forty and Work No. 1 is not completed within twenty years of such date then on the expiration of such respective periods the powers by this Act granted for the making and completing of such works respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Time for
completion
of works.

(2) Subject to the provisions of this Act the Council may extend enlarge alter reconstruct renew or remove any of the said works authorised to be constructed by this Act as and when occasion may require.

8. Subject to the provisions of this Act the water-works to be constructed under the authority of this Act shall for all purposes be deemed to be part of the water undertaking.

Works to
form part
of water
undertaking
of Council.

9.—(1) For the purpose of constructing maintaining repairing altering enlarging extending cleansing emptying testing or examining any work authorised by this Act the Council may cause the water in any such work to be discharged into any available river stream ditch or watercourse and for that purpose the Council may lay down and maintain in any street all necessary pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall with the necessary modifications apply thereto. Provided that any water so discharged shall so far as

Temporary
discharge of
water into
streams.

PART II.
—cont.

may be reasonably practicable be free from mud or solid or offensive matter and matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers the amount of such compensation to be settled in case of difference by arbitration in manner in this Act provided.

Power to
take
waters.

10. Subject to the provisions of this Act the Council may take intercept collect use divert and appropriate for the purposes of the water undertaking all waters which can or may be intercepted or abstracted by means of the catchwater drain Work No. 1 authorised by this Act and particularly the waters of the Slape Stones Beck and of the tributary streams and springs of that beck at or above the point therein where the said catchwater drain commences.

As to com-
pensation
water.

11.—(1) The Council shall during every day of twenty-four hours discharge or deliver into the Oak Dale Beck at a point therein situate not more than one hundred yards below the foot of the embankment of the Oakdale reservoir (Work No. 6) authorised by the Act of 1891 not less than one hundred and sixty-seven thousand gallons of water in a continuous flow.

(2) For the purpose of measuring the quantity of water so to be discharged or delivered into the Oak Dale Beck the Council shall provide fix and maintain a proper and suitable automatic recording gauge (hereinafter in this section referred to as "the gauge") at the site of the said existing United West Gauge shown on the deposited plans over or through which the said compensation water shall flow and the gauge and the records thereof shall at all reasonable times be open to the inspection and examination of all persons interested in the flow of the Oak Dale Beck including the River Ouse (Yorks) Catchment Board.

(3) In case of any neglect on the part of the Council to maintain the 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 Council shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby who may sue for and recover the same including the River Ouse (Yorks) Catchment Board 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.

PART II.
—cont.

(4) If any difference arises between the Council and any person so interested with respect to the design maintenance or use of the 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 Minister of Agriculture and Fisheries.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the Slape Stones Beck and the Oak Dale Beck and the streams springs and tributaries thereof which the Council can divert collect impound or appropriate by means of the works authorised by the Acts of 1891 and 1909 and this Act.

12. The Council may on all or any of the lands for the time being held by them in connection with the water undertaking execute for the purposes thereof or in connection therewith any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 :

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

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

13. Notwithstanding anything in this Act the following provisions for the protection of the catchment board shall unless otherwise agreed in writing between the Council and the catchment board apply and have effect:—

For protection of River Ouse (Yorks) Catchment Board.

(1) In this section unless the context otherwise requires—

“ the catchment board ” means the River Ouse (Yorks) Catchment Board ;

PART II.
—cont.20 & 21
Geo. 5. c. 44.

“the catchment area” means the River Ouse (Yorks) Catchment Area as for the time being constituted;

“drainage authority” means a drainage board constituted or to be treated as having been constituted under the Land Drainage Act 1930 and having jurisdiction in the catchment area;

“banks” has the meaning assigned to that expression by the Land Drainage Act 1930;

“watercourse” includes—

(i) any river stream ditch drain cut culvert dyke sluice sewer (other than a public sewer within the meaning of the Public Health Act 1936) or passage through which water flows and the banks thereof under the jurisdiction of any drainage authority;

(ii) any drainage work and the banks thereof under the jurisdiction of any drainage authority;

“apparatus” includes any structure or appliance for controlling or regulating the flow of water in any watercourse and any machinery under the control of any drainage authority;

“authorised work” means a work authorised by this Part of this Act to be executed by the Council and any work referred to in subsection (2) of the section of this Act of which the marginal note is “Power to make waterworks”;

(2) In the execution of any authorised work the Council shall not diminish the width between the banks of any watercourse except with the consent of the catchment board but such consent shall not be unreasonably withheld:

(3) Except with the consent of the catchment board which shall not be unreasonably withheld the Council shall not execute any

authorised work (other than the commencement of the catchwater drain (Work No. 1) authorised by this Act) which affects any watercourse otherwise than—

(a) in such manner as not to interrupt the free passage of water through or in such watercourse; and

(b) in such manner—

(i) as to allow the free passage of flood waters under the work; or

(ii) that the top or upper surface of the work shall be situate at such depth below such watercourse as to allow of the proper cleansing and scouring of such watercourse and of the deepening of the bed thereof to such extent as may be reasonably necessary for the improvement of such watercourse; and

(c) in such manner as to allow of the widening of such watercourse to such extent as may be reasonably necessary for the improvement of such watercourse :

(4) (a) The Council before commencing to execute any authorised work in over or under or so as to interfere with or affect any watercourse or apparatus shall submit to the catchment board plans and sections and (when reasonably required by the catchment board) working drawings thereof for their reasonable approval. If the catchment board do not within twenty-one days after the submission to them of any such plans sections and drawings signify to the Council in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(b) So much of such authorised work as will be situate in over or under or as will interfere with or affect any watercourse or apparatus shall not be executed otherwise than in accordance with such plans and sections and drawings (if any) as may be approved by the catchment board or if such approval be withheld as may be settled by arbitration and

PART II.
—cont.

shall be executed to the reasonable satisfaction of the catchment board and under the superintendence of the engineer to the catchment board if the engineer elect to superintend after receiving reasonable notice of the date when the work is to be commenced :

- (5) The Council shall at all reasonable times afford to the engineer to the catchment board or his duly authorised representatives access to any authorised work which is situate in over or under or affects any watercourse or apparatus for the purpose of inspection :
- (6) The construction of any authorised work so far as its affects any watercourse or apparatus shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion :
- (7) (a) Not less than fourteen days before commencing to discharge water directly or indirectly into any watercourse in the exercise of the powers of the section of this Act of which the marginal note is "Temporary discharge of water into streams" the Council shall (except in case of emergency) give to the catchment board notice in writing of their intention so to do specifying the date time of commencement and probable duration of the discharge and the point at which the water will be discharged and (if pumping plant is to be used in connection with the discharge) the maximum capacity of the pumping plant ;
(b) Where the Council discharge water during an emergency they shall forthwith give to the catchment board notice thereof in writing and such further particulars relative to such discharge as the catchment board may reasonably require and in the case of the discharge of water incidental to the routine cleansing or emptying of works the Council shall be deemed to have complied with the requirements of paragraph (a) of this subsection if within twelve months next before

the date of such discharge the Council shall have given to the catchment board notice containing reasonable particulars of the routine cleansing or emptying of works proposed to be carried out :

PART II.
—cont.

- (8) The Council shall at all times keep the catchment board and any other drainage authority indemnified against all damages losses costs and expenses which the catchment board or the drainage authority may prove that they have sustained or become liable for or have reasonably incurred by reason or in consequence of any injury or damage which may be caused or result to any watercourse or apparatus or any obstruction which may be caused or result in any watercourse by or in consequence of or in connection with the execution of any authorised work or the discharge of water under the powers of the section of this Act of which the marginal note is "Temporary discharge of water into streams" or the abstraction diversion or using by the Council of water in contravention of the section of this Act of which the marginal note is "Power to take waters" :
- (9) Except as expressly provided by this Act nothing in this Act shall take away affect prejudice or diminish any right interest power or jurisdiction of the catchment board or any other drainage authority under the Land Drainage Act 1930 or under any other Act or under any Order relating to them :
- (10) Any dispute or difference which may arise under this section between the catchment board or their engineer and the Council (save as to the construction of this section) shall be referred to arbitration in accordance with the provisions of the section of this Act whereof the marginal note is "Arbitration" :
- (11) The provisions of this section shall be in addition to and not in derogation of any other provision of this Act enuring for the protection or benefit of the catchment board or any other drainage authority.

PART II.
—cont.
Application
of Water-
works
Clauses Act
1847 to
telephones
&c.

14. 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 street of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to erect or lay down for the purposes of the water undertaking :

32 & 33 Vict.
c. 73.

Provided that any telephone or telegraph posts wires conductors or apparatus constructed laid down or erected by the Council under this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line :

Provided also that the Council shall not construct lay down erect or maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any street road or bridge or approach belonging to or maintainable by any railway company without the consent in writing of such company which consent shall not be unreasonably withheld and shall be deemed to have been given if such company shall fail to signify their consent or dissent within twenty-one days after it shall have been applied for Any question as to whether or not any such consent is unreasonably withheld shall be determined by arbitration.

Byelaws for
preventing
pollution
of water.

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

(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 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.

PART II.
—cont.

(4) In addition to the requirements of section 250 of the Local Government Act 1933 the Corporation shall exhibit in some conspicuous place in each of the rural parishes in which the said byelaws are intended to be in force a copy of the notice referred to in that section and 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.

(5) A copy of any such byelaws shall be sent to the clerks of the north riding of Yorkshire County Council and the Northallerton Rural District Council one month at least before application is made for their confirmation and before confirming the byelaws the Minister shall have regard to any representations thereon which may be made within the said one month by the said county council or the said rural district council.

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

(7) If the authority responsible for the maintenance of any highway in any area in which byelaws made under the provisions of this section shall be in force shall be required by the Council to construct filtration or other works for dealing with surface water from the highway the reasonable cost of the construction of such works shall unless otherwise agreed with the said authority be borne by the Council.

(8) As respects byelaws made under this section the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister.

PART II.
—cont.
For pro-
tection of
North
Riding
County
Council.

16. For the protection of the county council of the administrative county of the north riding of Yorkshire (in this section referred to as "the county council") the following provisions shall unless otherwise agreed between the Council and the county council apply and have effect with respect to the exercise in or affecting any road or bridge of the powers of the Northallerton Water Acts and Orders 1891 to 1940 (that is to say):—

(1) In this section—

"road" means a road vested in the county council;

"bridge" means a bridge repairable by the county council and includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches;

"along" includes in upon and across;

"position" includes depth;

"surveyor" means the surveyor of the county council:

(2) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid along any road or bridge shall be laid in such position as the county council in writing under the hand of the surveyor may reasonably direct:

(3) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any road or bridge be not less than fourteen clear days instead of three clear days:

(4) The notice required by section 30 of the Waterworks Clauses Act 1847 shall be accompanied by the plan required by section 31 of the said Act and (where applicable) by a section of the proposed works and any difference as to any such plan or section or as to the temporary or other works referred to in the said section 31 shall be determined by arbitration under this Act instead of in the manner prescribed by the said section 31. If the county council shall not within fourteen days after the plan and the section (if any)

shall have been delivered to them express their disapproval thereof and the grounds of such disapproval or signify their requirements in relation thereto they shall be deemed to have approved thereof and to have given directions under the hand of the surveyor for the apparatus shown thereon to be laid in the position shown on the said plan :

- (5) As respects any road or bridge the filling in of the ground and the reinstatement of the road or pavement in pursuance of the provisions of section 32 of the Waterworks Clauses Act 1847 shall be carried out in accordance with a specification to be submitted by the Council to and reasonably approved by the surveyor. If the surveyor shall not within seven days after the specification shall have been submitted to him express his disapproval thereof and the grounds of such disapproval or signify his requirements in relation thereto he shall be deemed to have approved thereof :
- (6) Nothing in the Northallerton Water Acts and Orders 1891 to 1940 shall interfere with the right of the county council to alter the level of deviate widen reconstruct or improve (each of which works is in this subsection referred to as a "highway alteration") any road along which any mains pipes or works of the Council shall have been laid or to remove alter rebuild widen or repair (each of which works is in this section referred to as a "bridge alteration") any bridge along which any mains pipes or works of the Council are carried in the same manner as if those Acts and Orders had not become law and in the event of any such highway alteration or bridge alteration being intended by the county council in such manner as reasonably to require the alteration of any such main pipe or work the Council may and (on receiving notice in writing under the hand of the surveyor so to do) shall with all reasonable dispatch alter the position of any

PART II.
—cont.

such mains pipes or works in such manner and to such extent as may be agreed between the county council and the Council or as failing such agreement shall be determined by arbitration under this Act. Provided that during the highway alteration or bridge alteration the county council shall afford all reasonable facilities to enable the Council temporarily to carry or accommodate such mains pipes and works so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through the same and that the county council shall repay to the Council the expenses reasonably incurred by the Council in effecting any such alteration of the position of any such mains pipes or works :

- (7) All works of the Council shall be so executed as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any road or over any bridge and the Council shall not break up at any one time a greater consecutive length of any road or bridge than shall be reasonable :
- (8) Any matter required by this section to be determined by arbitration and any difference which may arise between the Council and the county council respecting any of the matters referred to in this section shall be referred to arbitration in accordance with the provisions of the section of this Act whereof the marginal note is " Arbitration ".

PART III.

ACQUISITION OF LANDS.

Acquisition
of lands.

17. Subject to the provisions and for the purposes of this Act the Council may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference.

Period for
compulsory
purchase
of lands.

18. The power of the Council for the compulsory purchase of lands for the purpose of this Act shall cease after the expiration of three years from the thirty-first day of October one thousand nine hundred and forty.

19.—(1) The Council 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 enlarging 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 rights which the Council require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act 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 Council have acquired easements or rights only under the provisions of this section the Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall 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.

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

21. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards

PART III.
—cont.
Acquisition
of ease-
ments.

Persons
under
disability
may grant
easements
&c.

Power to
enter upon
property for
survey and
valuation.

PART III.
—cont.

from time to time twelve hours' previous notice enter upon and into the lands authorised by this Act to be taken and used for the purpose of surveying and valuing the said lands without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands.

Compensation in case of recently acquired interest.

22. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twenty-seventh day of November one thousand nine hundred and thirty-nine 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.

Correction of errors in deposited plans and book of reference.

23. If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or described in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county of the north riding of Yorkshire and a duplicate thereof shall also be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be

deemed to be corrected according to the certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with the certificate.

PART III.
—cont.

24. The Council in addition to any other lands acquired by them in pursuance of the Act of 1891 and the Act of 1909 may by agreement purchase take on lease or otherwise acquire and hold further lands for the purposes of the water undertaking but the quantity of lands held by them by virtue of this section shall not at any time exceed such number of acres as the Minister may allow.

Purchase of
additional
lands by
agreement.

PART IV.

SUPPLY OF WATER.

25.—(1) The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates hereinafter specified (that is to say):—

Rates for
supply of
water for
domestic
purposes.

Where the net annual value of the premises so supplied with water does not exceed twenty pounds per annum at a rate per centum not exceeding ten pounds;

Where such net annual value is above twenty pounds and does not exceed forty pounds per annum at a rate per centum not exceeding nine pounds ten shillings;

Where such net annual value is above forty pounds and does not exceed sixty pounds per annum at a rate per centum not exceeding nine pounds;

Where such net annual value is above sixty pounds and does not exceed eighty pounds per annum at a rate per centum not exceeding eight pounds ten shillings;

Where such net annual value is above eighty pounds at a rate per centum per annum not exceeding eight pounds:

PART IV.
—cont.

Provided that the Council shall not be required to supply any premises with water at a less sum than sixteen shillings and eightpence per annum.

Nothing in this subsection shall entitle the Council in any case to demand for the water rate for any dwelling-house or part of a dwelling-house included in any division of the foregoing scale a greater sum than they would be entitled to demand if the dwelling-house or part thereof were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher net annual value whereon a lower rate per centum is chargeable.

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

(3) In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding seven shillings and sixpence per annum and in respect of every fixed bath beyond the first having a capacity (measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations prescribe) not exceeding fifty gallons (for which no additional charge shall be made) a sum not exceeding fifteen shillings per annum and for every fixed bath having a capacity measured as aforesaid in excess of fifty gallons such sum as the Council may think fit.

The additional sums which may be charged under this subsection shall (subject to the provisions of the section of this Act of which the marginal note is "Collection of water rate &c.") be paid quarterly in advance and shall be recoverable in all respects with and in the same manner as the water rate.

26. The Minister may if he thinks fit from time to time on the application of the Council or of a local authority having jurisdiction 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 Council are by this Part of this Act authorised to charge ;

PART IV.
—cont.
Revision of
rates and
charges.

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed in the section of this Act whereof the marginal note is "Application of revenue of undertakings" :

Provided also that in the absence of exceptional circumstances the Minister shall not vary any of the said rates and charges in pursuance of an application under this section before the expiration of five years after the date of his decision on the last preceding application under this section.

27. Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same person they shall be deemed for the purposes of determining the amount of the water rate chargeable by the Council in respect of any supply of water for domestic purposes furnished by the Council to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a value equal to the aggregate of the values of the separate houses or buildings or parts of houses or buildings so occupied.

As to
yearly value
of two or
more houses
in one
occupation.

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

Supply to
houses
partly
used for
trade &c.

(a) any premises used as a house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required ;

(b) any public institution ;

PART IV.
—cont.10 Edw. 7. &
1 Geo. 5.
c. 24.

(c) any hospital sanatorium school club hostel assembly hall place of public entertainment restaurant or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910;

(d) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

(2) (a) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by this Act.

(b) For the purposes of this subsection the expression "farming purposes" includes dairy purposes.

(3) The minimum charge for a supply of water by meter to any of the premises in this section mentioned shall be a sum equal to the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

Charges for
supplies for
refrigerating
apparatus
&c.

29.—(1) Where a person who takes a supply of water for domestic purposes from the Council otherwise than by meter desires to use any of the water so supplied for operating—

(a) a water-cooled refrigerating apparatus; or

(b) any apparatus depending while in use upon a supply of continuously running water; or

(c) any apparatus used for softening water which requires water for cleaning regenerating motive power or similar purposes;

the Council may if they think fit require that all water so used shall—

(i) be taken by meter and paid for accordingly; or

(ii) be paid for at such rates as may be agreed between such person and the Council.

(2) No charge shall be made under this section in respect of an apparatus used within the premises for which the supply of water is taken for softening water if one such apparatus only is used and the water softened thereby is used solely for domestic purposes.

PART IV.
—cont.

30.—(1) Where a person who takes a supply of water for domestic purposes otherwise than by measure is the occupier of stables garages or other premises where horses or motor cars or other carriages are kept and the water supplied to that person for domestic purposes is used for horses or washing motor cars or carriages or for other purposes in or in connection with such premises the Council may—

Charges for
horses and
washing
vehicles.

(a) if the water so used can be taken from a stand-pipe or tap (not being a stand-pipe or tap within any house occupied with such premises) but no hosepipe or other similar apparatus be used in connection with such stand-pipe or tap charge in respect of the water so used such sum not exceeding ten shillings per annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding five shillings for each motor car or carriage beyond the first; or

(b) if the water so used be used by means of a hosepipe or other similar apparatus charge in respect of the water so used such sum not exceeding twenty shillings per annum as they may prescribe and where more motor cars or carriages than one are kept a further sum not exceeding ten shillings per annum for each motor car or carriage beyond the first.

(2) Any sums chargeable under subsection (1) of this section shall be in addition to the rates authorised for the supply of water for domestic purposes and shall be payable at the same dates and be recoverable in all respects with and in the same manner as those rates.

(3) Where water supplied by the Council 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 hosepipe or other similar apparatus for horses or washing motor cars or carriages or for

PART IV.
—cont.

other purposes in or in connection with stables garages or premises where horses motor cars or carriages are kept the Council may if they think fit require that all water so used by means of such hosepipe or other apparatus shall be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter.

Special
terms for
supplies to
caravans
shacks and
huts.

31.—(1) Notwithstanding anything in any Act relating to the Council a person shall not be entitled to demand or to continue to receive from the Council a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Council to take a supply of water by meter and to pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Council by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(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.

Price of
supply by
measure.

32. The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per one thousand gallons Provided that the Council shall be entitled to charge for each such supply (other than a supply given under the sections of this Act of which the marginal notes are "Supply to houses partly used for trade &c." and "Special terms for supplies to caravans shacks and huts") such minimum sum not exceeding five shillings as they may prescribe in respect of the water supplied in any quarter of a year.

33.—(1) Where the net annual value of a house supplied with water does not exceed thirteen pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the water rate as from the thirty-first day of March or the thirtieth day of September next after the expiration of twenty-eight days from the date upon which notice in writing of such determination shall have been given by the Council to the owner but the rate may be recovered by the Council from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner :

PART IV.
—cont.
Rates payable by owners of small houses.

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.

(2) The Council shall make to the owner of any such house who pays the water rate due in respect of such premises before the expiration of one-half of the period in respect of which the water rate is charged or such later date as may be prescribed by the Council an allowance equal to two and a half per centum of the amount of such water rate.

(3) The provisions of section 73 of the Waterworks Clauses Act 1847 shall with such adaptations as may be necessary extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the passing of this Act.

34.—(1) Any water rate or charge payable to the Council in respect of premises within the district may be collected together with the general rate.

Collection of water rate &c.

(2) If the Council so resolve the water rates and charges shall notwithstanding anything in the Waterworks Clauses Act 1847 be payable in advance by half-yearly instalments in respect of the half-years commencing on the first day of April and the first day of

PART IV.
—cont.

October but no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded.

(3) While such a resolution is in operation if the person who is or who but for the provisions of the last preceding section of this Act would be liable to pay the water rate or charges in respect of any premises is in occupation of those premises during a portion only of a half-year he or as the case may be the owner of the premises shall be liable to pay so much only of the half-yearly instalment as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year and if either of them has paid any greater proportion of the instalment he shall be entitled to recover the excess from the Council except in so far as he has previously recovered it from an incoming occupier :

Provided that nothing in this subsection shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

(4) Subject to the provisions of the last preceding subsection—

(a) where the Council commence to give a supply of water to any premises either for the first time or after a discontinuance of supply the then current instalment of the water rate shall become payable on the day on which notice requiring the supply is given to the Council or if no such notice is given on the day when they commence to give the supply; and

(b) the liability of a person to pay an instalment of a water rate shall not be affected by the fact that before the end of the period in respect of which the instalment became payable by him he or his tenant as the case may be removes from the premises in question or causes the supply of water thereto to be discontinued.

(5) Nothing in this section affects any right of the Council to make a minimum charge in respect of water rates.

PART IV.
—cont.

35.—(1) Where in consequence of a proposal under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of the water rate have effect retrospectively as from the date when the proposal was made and any necessary adjustments shall be made in the then current instalment of the rate and any subsequent instalments or rates.

Effect on
water rate of
alterations
in valuation
list.
15 & 16
Geo. 5. c. 90.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or as the case may be shall be paid and may be recovered in the manner in which water rates are recoverable.

36. The water supplied by the Council need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir or tank from which the supply is taken.

Limit of
pressure.

37. The Council shall have the like powers and be subject to the like restrictions in respect of the laying and maintenance of water mains within or without the limits of supply as under the provisions of Part II of the Public Health Act 1936 a local authority have and are subject to in respect of the construction and maintenance of public sewers and for the purposes of this section any area within the limits of supply shall be deemed to be included in their district.

Further
powers in
relation to
water
mains.

38. Subject to the provisions of the Waterworks Clauses Act 1847 the Council 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 Council and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection to such meters apparatus

Meters in
streets to
measure
water or
detect
waste.

PART IV.
—cont.

and stop-cocks and may for that purpose break up and interfere temporarily with public and private streets sewers gas or water pipes electric lines wires and apparatus :

Provided that the Council 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 :

Provided also that the Council shall not exercise the powers of this section in respect of any street sewers gas or water pipes (other than a pipe supplying a dwelling-house with water) electric lines wires and apparatus belonging to or maintainable by any railway company without the consent of that company which consent shall not be unreasonably withheld.

Cisterns to be provided for high level supplies.

39. The Council may require that any dwelling-house the erection of which is commenced after the passing of this Act and which is situate on land at a higher level than fifty feet below the draw-off level of the service reservoir from which a supply of water is furnished or to be furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply to such dwelling-house for a period of twenty-four hours and the Council shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section. Provided that in the case of a dwelling-house in existence at the date of the passing of this Act the Council shall pay one-half of the cost of providing such cistern or cisterns.

Notice of discontinuance.

40. A notice to the Council 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 Council.

Power to sell meters.

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

42.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him 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 regulations (in this section referred to as "fittings") and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

PART IV.
—cont.
Power to
supply
water
fittings.

(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 nor be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council 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 Council. 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 Council 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);

PART IV.
—cont.

- (b) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;
- (c) The total sums expended and received by the Council 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 water undertaking for such year.

Extension
of power
to inspect
premises.

43. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the surveyor of the Council or any officer of the Council 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 Council in order to examine if there be any waste or misuse of such water and if any person hinder any such surveyor or authorised person from entering either under the said section 57 or under this section or from 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.

Mainten-
ance of
common
pipe.

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

45.—(1) The Council 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.

PART IV.
—cont.
Separate
communi-
cation pipes
may be
required.

(2) If the owner of any house or part of a house occupied as a separate tenement which is supplied with water by the Council when so required in pursuance of the preceding subsection fail 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 Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing.

(3) If a house or building belonging to one owner is divided into two or more separate tenements and the owner agrees in writing with the Council to pay the water rates in respect of all those tenements then so long as he punctually pays those rates the Council shall not require the provision of separate communication pipes for those tenements.

46. If in the opinion of the Council 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 Council are not under obligation to maintain it shall be lawful for the Council 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 Council 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 Council in like manner as the water rates in respect of the premises are recoverable Provided that (except in cases of emergency) the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the

Power to
Council to
repair
communi-
cation
pipes.

PART IV.
—cont.

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.

Stop-cocks
&c. to be
fitted in
communi-
cation
pipes.

47.—(1) In the case of all premises to be connected after the passing of this Act with the mains of the Council the Council may in cases where the communication pipes are laid by the person requiring a supply of water to any premises or by the Council at the request of such person require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication or service pipe from the said premises in some position (to be reasonably approved by the road authority) in the footway of the street in which such pipe is laid or if there be no footway in a position as near as reasonably practicable to the premises supplied and if such person fails to comply with such requirement the Council may insert and maintain a stop-cock in such communication or service pipe and recover the reasonable expenses incurred by them in so doing from such person summarily as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication or service pipe from any premises the person liable or the Council (on his failure to comply with any requirement as aforesaid) shall have the like power to open the ground as is conferred upon such person 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.

(3) The Council may by agreement with any person liable to insert or to maintain any stop-cock and for that purpose authorised to open or break up any street execute such works on behalf of such person and any expenses incurred by the Council in so doing shall be repaid by the person with whom the agreement is made and shall be recoverable summarily as a civil debt.

48.—(1) Any person who without the consent of the Council attaches any pipe or apparatus to a pipe belonging to the Council or to a supply pipe or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe shall be liable to a fine not exceeding five pounds and any person who uses any pipe or apparatus which has been so attached or altered shall be liable to the same penalty unless he proves that he did not know and had no grounds for suspecting that it had been so attached or altered :

PART IV.
—cont.
Penalty for extension or alteration of pipes &c.

Provided that where water is supplied by meter to a factory or to premises which belong to a railway company and are held or used by them for the purposes of their undertaking this subsection shall apply only in relation to a pipe between the main and a meter used by the Council for measuring the water supplied by them.

(2) When an offence under this section has been committed then whether proceedings be taken against the offender in respect of his offence or not the Council may recover from him summarily as a civil debt the amount of any damage sustained by them and the value of any water wasted misused or improperly consumed.

49.—(1) A consumer who has not obtained the consent of the Council shall not connect or disconnect any meter by means of which water supplied by the Council is intended to be or has been measured for the purposes of the payment to be made to them but if he requires such a meter to be connected or disconnected shall give to the Council not less than twenty-four hours' notice of his requirements and of the time when the work can be commenced and thereupon the Council shall carry out the necessary work and may recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing.

Meters to be connected or disconnected by Council.

(2) A consumer who contravenes any of the provisions of this section and the Council if they fail to carry out with all reasonable dispatch any such work as aforesaid shall be liable to a fine not exceeding forty shillings.

50.—(1) The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the surveyor or some other officer of the Council

Power to remove meters and fittings.

PART IV.
—cont.

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 Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

(2) If any person hinders any such agent or workmen from entering or effecting such removal he shall for every such offence be liable on conviction to a penalty not exceeding five pounds.

Charges
for special
readings of
meters.

51. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Council may levy and recover such charges as they think fit not exceeding the sum of one shilling for each such special reading.

Penalty for
interfering
with valves
&c.

52. 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 Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847.

Penalty for
interference
with
valves and
apparatus.

53. If any person either—

- (a) wilfully and without the consent of the Council;
- or
- (b) negligently;

turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Council and thereby causes the supply

of water to be interfered with he shall be liable to a fine not exceeding five pounds and the Council may whether proceedings be taken against him in respect of his offence or not recover from him summarily as a civil debt the amount of any damage sustained by them :

PART IV.
—cont.

Provided that this section shall not apply to a consumer closing the stop-cock fixed on the service pipe supplying his premises so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

54.—(1) Where water is supplied by measure 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 Council.

As to
register of
meters.

(2) Provided that if the Council 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 any 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 the meter on being tested is proved to register incorrectly to any material degree—

(a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the Council unless it is proved to have begun to register incorrectly on some later date; and

(b) the amount of any refund to be made to or of any extra payment to be made by the consumer shall be paid or allowed by the Council or paid by the consumer as the case may be and in the case of an extra payment may be recovered in the like manner as water rates rents and charges are recoverable by the Council.

PART IV.
—cont.
Extension
of powers of
section 19
of Act of
1891.

55.—(1) The power of making byelaws conferred by section 19 of the Act of 1891 shall be extended to enable the Council to make byelaws as to the testing and stamping of valves and other apparatus and prescribing the charge to be made for such testing and stamping.

(2) Nothing in the preceding subsection or in any byelaws made thereunder shall apply to any valves or apparatus in any premises (not being a dwelling-house) which form part of the railway of the London and North Eastern Railway Company.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Council or by the authority of the Council 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.

Discount
for prompt
payment
of water
rates.

56.—(1) The Council may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum. Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers.

(2) If and so long as the Council allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for rates for the supply of water.

Contracts
for
supplying
water in
bulk.

57. The Council 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.

PART IV.
—cont.

PART V.

FINANCIAL.

58.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Council may determine not exceeding the respective periods mentioned in the third column of the said table (namely) :—

Power to
Council to
borrow.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of easements for and for the construction of the works authorised by this Act.	£ 12,750	Fifty years from the date or dates of borrowing.
(b) The provision of mains.	2,000	Forty years from the date or dates of borrowing.
(c) The costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

PART V.

—cont.

Application
of Local
Government
Act 1933 to
existing
sinking
funds of
Council.

59. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Council for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Council shall make such adjustments of any existing sinking funds as may be proper.

Use of
moneys
forming
part of
sinking
and other
funds.

60. Notwithstanding anything contained in this or any previous enactment the Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

- (1) The moneys so used shall be repaid out of the general rate fund within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall

be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used :

PART V.
—cont.

- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

61.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Local Government Act 1933 in regard to the borrowing and repayment of money with or without modification and may make provisions in regard to all matters incidental to the objects aforesaid.

Scheme for
equated
periods.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Council as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory

PART V.
—cont.

borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this section may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Renewal
and repairs
fund.

62.—(1) The Council may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called "the renewal and repairs fund" any sum not exceeding the equivalent of a rate of one penny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed one thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for—

- (a) the provision maintenance and renewal of horses carts mechanically-propelled vehicles stables depots boilers equipment and apparatus in connection therewith;
- (b) the maintenance and repair of paths and apparatus in public walks and pleasure grounds; and
- (c) the maintenance and repair of buildings (not being buildings in respect of which the Council are required by the Housing Act 1936 to keep a housing repairs account);

26 Geo. 5. &
1 Edw. 8.
c. 51.

which are not comprised in the undertakings of the Council as from time to time existing from which revenue is derived and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(4) (a) Pending the application of the renewal and repairs fund to the purposes authorised in subsection (3) of this section the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be carried to the renewal and repairs fund.

PART V.
—cont.

63.—(1) Notwithstanding anything contained in this or any other Act or Order all moneys received by the Council whether on capital or revenue account including (but without prejudice to the generality of this provision)—

Receipts
and
expenses.

- (a) all money received on account of the revenue of any of the undertakings of the Council; and
- (b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency consolidated loans fund or other similar fund (including any interest payable to any such fund or any other fund in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds");

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Council in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local (including interest on moneys borrowed by the Council and all sums required by law to be paid or transferred or which the Council may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that in the accounts of the Council an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited to the fund on the investments of which the same is received.

PART V.
—cont.

(2) Nothing in this section shall authorise the Council to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Accounts
of under-
takings.

64.—(1) The Council shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Council as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act authorised in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Council for the purposes of or connected with the undertaking or used for these purposes in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds";
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used for the purposes of or connected with the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Council are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in paragraphs (a) and (b) of subsection (1) of the section of this Act of which the marginal note is "Application of revenue of undertakings."

(2) The Council shall show in their accounts relating to any undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

PART V.
—cont.

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

65.—(1) If in respect of any year the moneys received by the Council on account of the revenue of any of the undertakings of the Council (including the interest and other annual proceeds received by the Council in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the moneys expended or applied by the Council out of the general rate fund in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section of this Act the Council may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

Applica-
tion of
revenue of
under-
takings.

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the renewal and the construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of any of the undertakings of the Council by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by this Act) investing the same in statutory securities until the fund so formed amounts to a sum equal to one-tenth of the aggregate capital expenditure of the Council on the undertaking.

PART V.
—cont.

(2) Any reserve fund which has been provided in respect of any undertaking of the Council and which is in existence on the first day of April one thousand nine hundred and forty shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Council from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Council in respect of that undertaking; or
- (c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Date of
operation
of certain
sections and
repeal.

66.—(1) The three last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and forty.

(2) As from the said date the following enactments so far as the same are still in force shall be repealed (that is to say) :—

The Act of 1891—

Section 41 (Deficiency in water revenue to be made good out of district rate).

The Act of 1909—

Section 38 (Repeal of section 39 of Act of 1891 and application of water revenue) except the words from the commencement of the section to the word “repealed” in the second line.

67. If the Council commence proceedings against any consumer for the summary recovery of any sum due for a supply of water any other sum due or payable to the Council by the same consumer in respect of the sale or hire of any apparatus or fittings supplied or provided by them for or in connection with the consumption or use of water or in respect of the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily as a civil debt together with the sum due for the supply of water provided that the sum so included as aforesaid does not exceed twenty pounds in any one summons.

PART V.
—cont.
As to
recovery
of sums
due for
fittings &c.

68. If a justice is satisfied on complaint by any officer of the Council duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate or any water rate or any water charge 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 person named therein to seize forthwith and detain the goods and chattels of the offender until the complaint is determined upon the return of the summons.

Recovery
of rate &c.
from
persons
removing.

69. The Council may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

As to
operation of
section 11 of
Rating and
Valuation
Act 1925.

70. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 it shall not be lawful to exercise the powers of borrowing conferred by

Restriction
on borrow-
ing.
2 & 3 Geo. 6.
c. 62.

PART V.
—cont.

this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

PART VI.

MISCELLANEOUS.

Inquiries by
Minister.

71. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly.

Breach of
conditions
of consent of
Council.

72. Where under this Act or under any general or local Act for the time being in force in the district the Council 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 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.

Compensa-
tion how
to be deter-
mined.

73. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the district directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Public Health Act 1936.

Damages
and charges
to be
settled by
court.

74. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act or in the Act of 1891 or in the Act of 1909 mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Applica-
tion of
provisions

75. The following sections of the Public Health Act 1936 shall extend and apply in relation to this Act and to any local Act or Order for the time being in

force in the district as if such sections were re-enacted in this Act and in terms made applicable thereto :—

- Section 275 (Power to local authority to execute certain work on behalf of owners or occupiers);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions);
- Section 293 (Recovery of expenses &c.);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 299 (Inclusion of several sums in one complaint);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative).

PART VI.
—cont.
of Public
Health Act
1936.

76. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any Act or Order relating to the water undertaking as if the same were re-enacted therein.

Application of
section 265 of
Public Health
Act 1875.
38 & 39 Vict.
c. 55.

77. The following sections of the under-mentioned enactments are hereby repealed :—

Repeal.

The Act of 1891—

- Section 5 (Power to take water) the words from "but nothing in this Act" to the end of the section;
- Section 18 (As to compensation water);
- Section 22 (Rates for supply of water);
- Section 23 (Charges for waterclosets and private baths);
- Section 24 (Definition of rateable value);
- Section 26 (Supply to houses partly used for trade &c.);
- Section 33 (Power to re-borrow);
- Section 34 (Annual return to Local Government Board with respect to sinking fund).

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District Council Act, 1940.

PART VI.
—cont.

The Northallerton Order 1904—

Art. VI (Power to re-borrow).

The Act of 1909—

Section 9 (Power to take water subject to existing provisions as to compensation water) the words from the commencement of the section to the words “provisions of this Act” in the eleventh line;

Subsection (11) of section 10 (For protection of John Storey Barwick);

Subsections (1) to (4) inclusive of section 11 (For protection of Allan William Boville Leonard George Poynter Boville and Hodgson Foxton);

Section 12 (Inspection of gauges);

Section 31 (Power to re-borrow);

Section 32 (Return to Local Government Board as to repayment of debt);

Section 38 (Repeal of section 39 of Act of 1891 and application of water revenue) from the words “and the Council” in the second line to the end of the section;

Section 40 (Authentication and service of notices &c.).

The Northallerton Order 1911—

Art. VI (Power to re-borrow);

Art. IX (Return as to provision for repayment of debt).

Arbitration.

78. Any question or difference which pursuant to this Act is to be settled by arbitration (other than a question or difference to which the provisions of the Lands Clauses Acts apply and except as otherwise provided by this Act) shall be referred to and determined by a single arbitrator to be agreed upon between the parties to the question or difference or in default of such agreement appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers

3 & 4 GEO. 6.

*Northallerton Urban
District Council Act, 1940.*

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PART VI.

—cont.

and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such reference or determination.

52 & 53 Vict.
c. 49.
24 & 25
Geo. 5. c. 14.

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

Saving for
indict-
ments &c.

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

Crown
rights.

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

Costs of
Act.

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