



### CHAPTER xvi.

An Act to authorise the mayor aldermen and burgesses of the borough of Loughborough to construct additional waterworks and to confer further powers in regard to their water undertaking to make further and better provision for the finances and the good government of the borough and for other purposes.

[27th July 1944.]

**W**HEREAS the borough of Loughborough (in this Act referred to as "the borough") is a borough under the government of the mayor aldermen and burgesses of the borough of Loughborough (in this Act referred to as "the Corporation"):

And whereas to meet the increased demand for the supply of water it is expedient that the Corporation should be authorised to construct the additional works specified in this Act and that further power should be conferred upon the Corporation with respect to their water undertaking:

And whereas it is expedient that further and better provision should be made for the good government and finances of the borough and that the powers of the Corporation in regard thereto should be enlarged as in this Act provided:

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

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

For the execution of the waterworks by this Act authorised:	£ 170,000
For mains and other purposes in connection with the supply of water by the Corporation:	10,000

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also 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 lands required or which may be taken or used for the purposes of or under the powers of this Act were in the month of November one thousand nine hundred and forty-three deposited with the clerk of the county council of Leicester:

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

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

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

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

## PART I.

## PRELIMINARY.

Short title.

1. This Act may be cited as the Loughborough Corporation Act 1944.

Division of  
Act into Parts.

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

- Part I.—Preliminary.
- Part II.—Waterworks.
- Part III.—Lands.
- Part IV.—Financial.
- Part V.—Miscellaneous.

Incorporation of  
Waterworks Clauses  
Acts.  
10 & 11 Vict. c. 17.  
26 Geo. 5 & 1 Edw. 8.  
c. 49.  
26 & 27 Vict. c. 93.

3. The provisions of the Waterworks Clauses Act 1847 which are incorporated with the Public Health Act 1936 by section 120 of the last-named Act (but subject to the provisos in the said section contained) sections 12 and 14 of the Waterworks Clauses Act 1847 and the provisions of the Waterworks Clauses Act 1863 are hereby incorporated with this Act.

Incorporation  
of Lands  
Clauses Acts.  
8 & 9 Vict.  
c. 18.

4. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands are hereby incorporated with and form part of this Act and except that the bond required by section 85 of the Lands Clauses Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.



5.—(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.

PART I.  
—cont.  
Interpretation.

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

“ the borough ” means the borough of Loughborough;

“ the Corporation ” means the mayor aldermen and burgesses of the borough of Loughborough;

“ the council ” means the council of the borough;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919; 9 & 10 Geo. 5.  
c. 57.

“ the limits of supply ” means the limits within which the Corporation are for the time being authorised to supply water;

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

“ the undertakings of the Corporation ” means the water undertaking the gas undertaking and the electricity undertaking and any other undertaking of the Corporation as from time to time existing from which revenue is derived;

“ the Minister ” means the Minister of Health;

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

“ 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 Corporation; 38 & 39 Vict.  
c. 83.

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

“ 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

PART I.  
—cont.

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

“ the revenues of the Corporation ” means revenues as defined by section 218 of the Local Government Act 1933;

2 & 3 Geo. 6.  
c. 62. “ war period ” means the period for which the Emergency Powers (Defence) Act 1939 is in force.

10 & 11 Vict.  
c. 17.  
26 & 27 Vict.  
c. 93. (3) For the purposes of this Act the expressions “ the promoters of the undertaking ” “ the company ” and “ the undertakers ” in the Lands Clauses Acts and the Waterworks Clauses Acts 1847 and 1863 shall be construed to mean the Corporation.

## PART II.

## WATERWORKS.

Power to  
make works.

6.—(1) Subject to the provisions of this Act the Corporation may in the county of Leicester and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works (that is to say):—

Work No. 1 A reservoir (to be called “ Nanpantan reservoir No. 2 ”) in the borough of Loughborough and in the parish of Charley in the rural district of Castle Donington to be formed by means of an embankment or dam in the said borough of Loughborough across the Wood Brook:

Work No. 2 A pipe line in the said borough of Loughborough commencing at the embankment or dam of Nanpantan reservoir No. 2 and terminating by a junction with the existing pipe line of the Corporation at the north-east end of the existing reservoir of the Corporation known as Nanpantan reservoir situate in enclosure No. 99 of the 1/2500 Ordnance map Leicestershire sheet XVII.II (edition of 1921).



(2) In addition to the foregoing works the Corporation may upon the lands for the time being belonging to them or over which they have or may obtain easements for those purposes make and maintain all such works buildings machinery plant and apparatus as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

7. Any electrical works and apparatus constructed or maintained under the provisions of this Act shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection of Postmaster-General. 41 & 42 Vict. c. 76.

8. The erection alteration or extension of any new building or the execution of any work above ground under this part of this Act shall require the consent of the Minister of Town and Country Planning who shall not refuse consent unless he is satisfied that it is expedient so to do on the ground—

Consent of Minister of Town and Country Planning.

(a) that the design or external appearance of the building or work as proposed to be erected altered or extended or executed would seriously injure the amenity of the neighbourhood and is reasonably capable of modification; or

(b) that the proposed building extension or work ought to be and can reasonably be situate elsewhere upon any of the lands within the limits of deviation shown on the deposited plans.

9. Subject to the provisions of this Act the works numbered 1 and 2 and the works buildings machinery plant and apparatus connected therewith or subsidiary thereto authorised by this Act shall for all purposes be deemed to form part of the water undertaking.

Works to form part of water undertaking.

10. Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the Wood Brook and all such springs streams and waters as will or may be intercepted by the works of this Act authorised.

Power to take water.

11. In the construction of any of the works authorised by this Act or any part of any such work the Corporation may deviate laterally from the lines or situations thereof shown on the deposited plans within the limits of deviation shown on those plans and they may also deviate vertically

Power to deviate.

PART II.  
—cont.

from the levels thereof shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards.

Period for completion of works.

12.—(1) If the works shown on the deposited plans are not completed within the period of ten years from the first day of April one thousand nine hundred and forty-four then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to so much thereof respectively as shall then be completed.

(2) Provided that the Corporation may subject to the provisions of this Act extend enlarge alter reconstruct renew or remove any of the said works and lay down additional aqueducts conduits lines of pipes as and when occasion may require.

Amendment of rate at which water is to be supplied for domestic purposes.

13. From and after the passing of this Act section 14 of the Loughborough Local Board Act 1868 (Rates at which water is to be supplied for domestic purposes) shall be read and have effect as if ten pounds per centum per annum were substituted for the words seven pounds ten shillings per centum per annum in that section.

For protection of Leicestershire and Warwickshire Electric Power Company.

14. Nothing in this Act shall extend to or authorise any interference with any electric lines conduits or works of the Leicestershire and Warwickshire Electric Power Company except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and sections 17 and 18 of the schedule to the Electric Lighting (Clauses) Act 1899.

## PART III.

## LANDS:

Power to acquire lands.

15. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for or in connection with the construction of the works authorised by this Act or other the purposes of this Act or for any other purpose connected with the water undertaking.

Period for compulsory purchase of lands.

16. The powers of the Corporation for the compulsory purchase of lands under the powers of this Act shall cease after the expiration of three years from the first day of April one thousand nine hundred and forty-four or two years after the termination of the war period whichever is the later.



17. For the purposes 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 first day of January one thousand nine hundred and forty-four if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently acquired interest.

18. 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 Corporation 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 if the lands are situate in the borough such certificate or a copy thereof shall be deposited with the town clerk of Loughborough and if the lands are situate in an administrative county such certificate or a copy thereof shall be deposited with the clerk of the county council 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 Corporation to take the lands and execute the works in accordance with the certificate.

Correction of errors in deposited plans and book of reference.

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

Further power of entry.

PART III.  
—cont.

have been payable if those provisions had been complied with.

Power to  
reinstate  
owners of  
property.

20. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any lands which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the works authorised by this Act with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose, and the Corporation may pay or receive money for equality of exchange.

For protection  
of Captain  
Peter William  
Paget.

21. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions for the protection of Peter William Paget his heirs and successors for the time being entitled in possession whether for life or any greater estate to the estate known as Nanpantan Hall Loughborough in the county of Leicester (each of whom is hereinafter in this section included in the expression "the owner") shall unless otherwise agreed in writing between the Corporation and the owner have effect:—

- (1) The Corporation shall not acquire or take for the purposes of this Act any land of the owner other than that edged red on the plan No. 1 signed by John Leyland Woolley on behalf of the owner and by Wilfrid Granger the borough water engineer on behalf of the Corporation:
- (2) The Corporation shall not get any mines or minerals in or under any of the lands to be acquired by them from the owner except stone for use in the construction on the said lands of the works authorised by this Act or the accommodation works specified in subsections (6) and (16) hereof:
- (3) The owner and his family and friends shall be entitled to exercise the exclusive rights of sporting wild fowling and fishing on any parts of the lands of the owner acquired by the Corporation. Provided always that the Corporation shall have the right to control the trapping and stocking of coarse fish by the owner in the Nanpantan reservoir No. 2 in such manner and at such times as they may think fit:
- (4) The Corporation shall take all proper precautions to prevent unnecessary noise in carrying out the construction of the works authorised by this Act on the lands of the owner acquired by them and no blasting shall take place except in the daylight. Any temporary workshops or buildings in connection with the construction of the said works shall only be erected on the piece of land lying to the north.



of the line " X "—" Y " and east of the line " Y "—" Z " shown on the said plan and all such workshops and buildings shall be removed and the sites thereof cleared to the owner's satisfaction as soon as practicable after the said works shall have been constructed:

- (5) Subject to the provisions of section 8 (Consent of Minister of Town and Country Planning) of this Act if the south-west face of the dam of the Nanpantan reservoir No. 2 shall not be constructed of granite or stone the material used therefor shall be of such shade of colour as the owner may approve:
- (6) There shall be reserved to the owner for the purpose of providing access to and from his property on either side of the Nanpantan reservoir No. 2 a right of way for foot passengers along the top of the dam of the said reservoir fenced where necessary for safety and over the land to be acquired by the Corporation at each end of the said dam with accesses to the top of the dam at each such end for the use of the owner his family visitors and servants and the tenants for the time being of lands farm-houses and other houses or cottages on the lands now forming the Nanpantan Hall estate such right of way to be surfaced along the top of the dam and gravelled elsewhere and the necessary accesses to the top of each end of the said dam to be constructed by and at the expense of the Corporation there shall also be reserved to the owner a right of way for foot passengers and a bridle way twelve feet in width from the land numbered 127 on the 1/2500 Ordnance map of the borough of Loughborough Leicestershire sheet XVII.15 (edition 1921) to the lands numbered 80 and 95 on the said map for use by any of the said persons parallel with and adjacent to the public road leading from Nanpantan village to Woodhouse Eaves the Corporation at their own expense shall also construct and maintain a foot way from east to west across the land acquired by them under the powers of this Act from the owner and across the Nanpantan reservoir No. 2 in the position shown on the said plan and thereon coloured brown and an access of sufficient width for vehicular traffic across the Wood Brook between the fields numbered 176 and 177 on the 1/2500 Ordnance map of the parish of Charley second edition 1903 Leicestershire sheet XVII.15 there shall also be reserved to the owner for himself his family and visitors to Nanpantan Hall a right of

PART III.  
—cont.

access on foot to the view point above the 400 feet contour line which is above the Wood Brook and the Corporation shall provide at their own expense a locked gate with two keys for the owner for this purpose. The owner shall have the right to provide at his own expense a boathouse for the use of the owner and his relations and friends and his keepers with access thereto adjacent to the said reservoir and there shall be reserved to the owner the right at all times to maintain a boat on the said reservoir for the use of himself and his relations and friends and his keepers:

- (7) The Corporation shall not object to or take any steps to prevent the owner from at any time constructing and maintaining weirs in the Wood Brook above the Nanpantan reservoir No. 2 on any lands belonging or leased to him at the date of the passing of this Act to provide drinking places for cattle:
- (8) The Corporation shall from time to time pay to the owner on demand the reasonable cost of the employment by him of an additional keeper or watcher for the protection of game and wild fowl and for the prevention of persons trespassing upon lands of the owner during the construction of the works authorised by this Act:
- (9) The Corporation shall lay any aqueduct or lines of pipes on any part of the lands acquired from the owner under this Act so that the top thereof shall be below the present surface of any such lands and any telegraph or telephone wires or other means of communication laid by the Corporation through any such lands shall be placed underground:
- (10) All walls fences gates sewers drains pipes water supplies and other like things belonging to the owner which may be interfered with by the Corporation during the construction or maintenance of the works authorised by this Act or in consequence of the construction of the said works shall be made good and when and where reasonably required by the owner others substituted therefor in positions convenient for the working of the Nanpantan estate as soon as practicable by the Corporation who shall in such construction and maintenance do as little damage as possible to the lands of the owner and to the user and enjoyment thereof. All lands acquired from the owner under this Act shall be fenced with substantial stock-proof boundary fences of stone with the right to the owner before erection to require



a different type of fence across the land numbered 117 on the 1/2500 Ordnance map of the borough of Loughborough (edition 1921) Leicestershire sheet XVII.15:

- (11) In the construction and maintenance of Work No. 2 authorised by this Act through lands acquired from or belonging to the owner the Corporation shall on the completion of the said work or any repairs or other maintenance restore the surface of the ground as nearly as may be to its former level and state:
- (12) Any land acquired by the Corporation from the owner for the purposes of this Act and not covered with water on the western side of the Nanpantan reservoir No. 2 shall be sown with grass and shall be maintained to the reasonable satisfaction of the owner and the Corporation shall use their best endeavours to prevent weeds seeding on the said land. The Corporation shall plant and maintain on the land acquired by them on the western side of the said reservoir and coloured pink and hatched red on the said plan No. 1 such and only such trees and shrubs (if any) and in such positions as the owner may reasonably require:
- (13) Where in consequence of the execution by the Corporation of any works in connection with the construction of the Nanpantan reservoir No. 2 or Work No. 2 authorised by this Act the drainage of surface water and the land drains from the lands of the owner remaining in his possession will be interfered with the Corporation shall at their own expense and to the reasonable satisfaction of the owner construct and maintain all necessary works for draining the surface water and land drains from the owner's said lands which would otherwise drain towards the lands acquired by the Corporation for the purposes of this Act:
- (14) During the construction of the works authorised by this Act the Corporation shall to the satisfaction of the owner temporarily fence off for the protection of livestock and horses all lands used during the construction of the works:
- (15) (a) Within twelve months of the day on which notice to treat shall be served in respect of the land edged red on the said plan No. 1 the owner shall submit to the Corporation plans specifications and an estimate of the cost including architect's fees of constructing a new farmhouse cottage farm buildings yards and sheep-dipping place including the

PART III.  
—cont.

matters hereinafter set forth on a site to be selected by him in the field numbered 97 or in the field numbered 108 on plan No. 2 signed by John Leyland Woolley on behalf of the owner and by Wilfrid Granger on behalf of the Corporation similar in capacity (and where relevant in cubic capacity) character and equipment to those to be submerged when Nanpantan reservoir No. 2 is constructed. The said plans specifications and estimate shall include the following matters:—

(i) the cost of reinstating in the new buildings the old fixtures or of replacing such of them as are not then re-usable;

(ii) the provision of proper sanitary arrangements and drains for the said farmhouse cottage buildings yards and sheep-dipping place;

(iii) the provision and laying of the necessary drains from the said buildings into the drain hereinafter referred to at the point " B " on plan No. 2;

(iv) all necessary water connections and pipes and communication pipes to the said point " B ";

(v) the necessary underground lines for electricity supply and overhead wires for telephone and the installation of telephonic apparatus;

(vi) the making of proper roads and approaches to the said farmhouse cottage farm buildings yards and sheep-dipping place.

(b) If within two months of the receipt of such plans specifications and estimate the Corporation shall object thereto and agreement is not reached thereon the difference shall be determined by arbitration as provided by subsection (18) of this section. Within one month after the Corporation shall have approved the said plans specifications and estimate or if the matter is referred to arbitration as aforesaid within one month after the arbitrator shall have issued his award the Corporation shall pay to the owner the amount so agreed or awarded as the case may be and the owner shall thereupon proceed to construct the said farmhouse cottage farm buildings yards and sheep-dipping place and the appurtenant works in this subsection referred to in accordance with such plans and specifications. Within six months after the said farmhouse and other works are completed the owner shall submit to the Corporation a statement of the sums expended by him in



connection therewith and if the total amount thereof shall have exceeded the amount approved or awarded by the arbitrator the amount of such excess shall be paid by the Corporation to the owner and if the total amount of the sums so expended shall be less than the amount approved or awarded by the arbitrator the owner shall repay to the Corporation the sum by which that amount exceeds the sums actually expended. The construction of the said farmhouse cottage farm buildings yards and sheep-dipping place shall require the consent of the Corporation as the authority for the purposes of the Town and Country Planning Acts 1932 and 1943 and any order made thereunder who shall not refuse consent unless they are satisfied that it is expedient to do so on the ground that the design or external appearance of the proposed buildings as proposed to be constructed would seriously injure the amenity of the neighbourhood and is reasonably capable of modification.

(c) The Corporation shall also pay to the owner such sum of money as may be agreed or as failing agreement shall be determined by arbitration as aforesaid as the cost of the laying out and stocking by the owner of a walled kitchen and fruit garden and outbuildings and an orchard of the same extent as those submerged by the said work and glasshouses equivalent to the glasshouses of the owner so submerged or acquired by the Corporation together with the requisite water services into the same from point " B " on the said plan.

(d) The Corporation shall have the right to cross and recross the land of the owner for two months after the completion of the works authorised by this Act along a route to be agreed with him for the purpose of conveying materials from the site of the reservoir or from any buildings to be demolished by the Corporation:

- (16) The Corporation shall at their own expense connect with the public sewer the drains of Nanpantan Hall the entrance lodges stables garage and other buildings nearby at Nanpantan and the owner shall cease to use any existing sewage disposal works provided for those buildings. The Corporation shall also without payment by the owner construct a drain from Nanpantan Hall to the point marked " B " on the said plan No. 2 for the disposal of sewage from the new farmhouse cottage farm buildings and

PART III.  
—cont.

sheep-dipping place which will be substituted for those submerged in consequence of the filling of the said reservoir and also a surface water drain for the drainage of roof water from the said farmhouse cottage and farm buildings to the nearest ditch. The Corporation shall also maintain the existing cesspools and sewage disposal works or provide if they think fit at their own expense alternative sewage disposal works for the disposal of sewage from the gardener's and keeper's cottages and farm buildings at Buck Hill. The owner shall not be liable for any overflow from any of the drains cesspools or sewage disposal works referred to in this subsection reaching the water flowing into the Nanpantan reservoir No. 2. The Corporation shall also at their own expense construct an access road twelve feet in width to the new farm house cottage and farm buildings between the points marked "A" "B" and "C" and coloured brown on the said plan No. 2 or in such other position from the said point "B" in a southeasterly direction to the lane numbered 114 on the said last-mentioned Ordnance map as the owner may require and the Corporation shall resurface and metal the said lane numbered 114 on the said Ordnance map from the junction of the said access road with the said lane to a point two hundred and thirty yards southward from the said point "C":

- (17) The Corporation in addition to any other compensation payable to the owner under or by virtue of this Act shall make full compensation to the owner for all damage and loss occasioned to him or his stock game trees grass or crops by any act of the Corporation their officers or contractors or workmen employed by them respectively during the construction or maintenance of the works authorised by this Act and the Corporation shall also without payment by the owner provide and lay a new main or service pipe to convey water to Nanpantan Hall and to the existing water tank in the parcel numbered 86a on the said Ordnance map for the purpose of affording a supply of water to the fields numbered 97 108 110 111 and 147 on the said Ordnance map and also such pipes as the owner may reasonably require to convey water to the fields numbered 116 117 127 145 and 160 on the said Ordnance map and to the point marked "B" on the said plan No. 2 for the purpose of affording a supply of water to the said new farmhouse cottage and farm buildings and sheep-dipping place and to the point marked "B" on the said



plan No. 2 for the purpose of affording a supply of water to the kitchen and fruit garden and glass-houses referred to in subsection (15) of this section. The Corporation shall also without payment by the owner provide drinking troughs in such positions as may be reasonably required by the owner in the said fields numbered 116 127 145 and 160 and form a new watering place at the brook in the field numbered 177 on the said map and alter the position of the trough in the said field numbered 117 as the owner may require and make any necessary consequential alteration of the pipe supplying the said trough. The Corporation shall supply the owner with a free supply of such quantity of water as he may require for all the said purposes and for the purpose of supplying the entrance lodges stables and field numbered 82 on the said Ordnance map but if Nanpantan Hall shall at any time cease to be used as a private residence the Corporation shall not be obliged to supply to it free of cost more than one hundred thousand gallons of water per annum:

- (18) Any difference which may arise under this section between the owner and the Corporation (other than as to compensation which may be payable to the owner in respect of the acquisition of lands and easements which shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919) shall be determined by the arbitration of a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such arbitration:
- (19) For the purpose of avoiding doubt it is hereby declared that the value of all existing rights to the extent that they are retained and reserved in subsections (3) and (6) of this section for the benefit of the owner over or in respect of the land to be acquired by the Corporation and the value of the reinstatement works mentioned in subsection (15) of this section shall be taken into account in assessing the compensation payable to the owner in respect of the purchase price of the land and buildings to be acquired by the Corporation for the purposes of this Act.

## PART IV.

## FINANCIAL.

Power to  
borrow.

22.—(1) The Corporation 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 Corporation may determine not exceeding the respective periods mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements under the powers of this Act.	The sum requisite.	Sixty years from date or dates of borrowing.
(b) The construction of the works authorised by this Act.	£170,000	Sixty years from date or dates of borrowing.
(c) For other purposes in connection with the supply of water by the Corporation.	£10,000	Thirty years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

Provided that no sum shall be borrowed for the purpose (a) in this section mentioned without the consent of the Minister.

(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 Part IX of that Act 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.

Restriction on  
borrowing.  
3 & 4 Geo. 6.  
c. 20.

23. 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) Acts 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Application  
of Local  
Government  
Act, 1933  
to existing

24. Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Corporation 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 Corporation shall make such adjustments of any existing sinking funds as may be proper.

PART IV.  
—cont.  
sinking funds  
of Corpora-  
tion.

25. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

Receipts in  
case of  
minors.

26.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

Closing of  
registers.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

27.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security of the Corporation (other than stock) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register. Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address.

Dividend  
warrants  
by post.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless notice in writing to the contrary has been given to the Corporation by any other of them.

(3) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act, 1882.

45 & 46 Vict.  
c. 61.

PART IV.  
—cont.  
Use of  
moneys  
forming  
part of  
sinking and  
other funds.

28. Notwithstanding anything contained in this or any previous enactment the Corporation 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 capital reserve renewals repairs insurance depreciation 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 Corporation 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 Corporation 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 purposes with reference to which the moneys are so used:

(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 re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Scheme for  
equated  
periods.

29.—(1) The Corporation 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.

(2) No scheme made by the Corporation 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 Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory 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.

**30.**—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and forty-five the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid—

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

PART IV.  
—cont.

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

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

(a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

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

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

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

(b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund



an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

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

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

(8) Any scheme approved by the Minister under this section may be altered extended amended or annulled by a scheme made in like manner as the original scheme.

31.—(1) The Corporation may establish a fund to be called “ the capital reserve fund ” for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with any undertaking of the Corporation as from time to time existing from which revenue is derived) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation may from time to time deem expedient Provided that—

(a) except as provided by subsection (2) (b) of this section any sum or sums so appropriated or paid to the capital reserve fund from the general rate fund shall not exceed in any financial year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty thousand pounds but if the fund is at any time reduced below the sum of twenty thousand pounds the Corporation may recommence and continue the appropriations and payments until the fund be restored to the sum of twenty thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

15 & 16  
Geo. 5. c. 90.

PART IV.  
—cont.

(b) Any income arising from the investment or use of the moneys in the capital reserve 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 proviso (b) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Insurance  
fund.

32.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the happening of any event against which in the absence of that fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall carry to the credit of that fund either—

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or
- (b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to thirty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the credit of the fund but if the fund is at any time reduced below thirty thousand pounds the Corporation shall recommence and continue the yearly payments to the credit of that fund in accordance with subsection (3) of this section until the fund be restored to the sum of thirty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate



heading or division in respect of the particular undertaking department or service of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of the happening of any event against which the fund is intended to provide insurance or are used in the manner authorised by the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" all moneys for the time being standing to the credit of the insurance fund shall unless paid into any consolidated loans fund established under the powers of this Part of this Act be invested in statutory securities and the interest or annual proceeds arising shall be invested and accumulated until the fund amounts to the sum of thirty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) The amounts carried to the credit of the insurance fund and any accretions to that fund shall be included within and shall form part of the general rate fund and shall remain subject to the provisions of the section of this Act of which the marginal note is "Receipts and expenses."

(8) For the purposes of this section the Corporation may if they deem it expedient include in the risks to be covered by the insurance fund risks of accident to any person employed in any school college educational institute or hostel maintained by the Corporation notwithstanding that such school college institute or hostel has not been provided by the Corporation as the local education authority.

(9) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of the happening of any event against which it is intended to provide insurance in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the making up of the deficiency shall for the purposes of the Local Government Act 1933 be a purpose for which the Corporation may borrow. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any

PART IV.  
—cont.

such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

Renewal and  
repairs fund.

33.—(1) The Corporation 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 from time to time by the Minister under 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 five 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; and
- (b) the maintenance and repair of paths and apparatus in public walks and pleasure grounds and of buildings; and
- (c) the maintenance and repair of buildings (not being buildings in respect of which the Corporation are required by the Housing Act 1936 to keep a housing repairs account);

which are not comprised in the undertakings of the Corporation 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 IV.  
—cont.

34.—(1) Notwithstanding anything contained in this or any other Act or Order all moneys received by the Corporation 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 Corporation; 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 for the renewal and repairs insurance depreciation capital reserve contingency consolidated loans fund or other similar fund (including any interest payable to any such 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 Corporation in respect of any of the said undertakings or in carrying into execution the powers and provisions of this or any other Act (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation 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 Corporation 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.

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

35.—(1) The Corporation 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 Corporation 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

Accounts  
of under-  
takings.

PART IV.  
—cont.

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 Corporation for the purposes of or connected with the undertaking or used for those 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 for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is “ Application of revenue of undertakings ” other than the purpose mentioned in paragraph (e) of this subsection.

(2) The Corporation 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.

(3) In all cases in which the Corporation 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.

Application  
of general  
rate fund  
for certain  
purposes.

36.—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the undertakings of the Corporation (including the interest and other annual proceeds received by the Corporation 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 Corporation 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 the Corporation may in respect of that year



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:—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure on capital account in the renewal construction extension or improvement of any works and conveniences for the purpose of the undertaking;
- (c) In providing a reserve fund in respect of the undertaking 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 the manner authorised by the sections of this Act to which the marginal notes are respectively "Use of moneys forming part of sinking and other funds" and "Consolidated loans fund" investing the same in statutory securities until the fund so formed amounts in the case of the electricity undertaking to one-tenth of the aggregate capital expenditure on that undertaking and in the case of any other undertaking until the fund so formed amounts to the maximum reserve fund from time to time prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any undertaking of the Corporation and which is in existence on the first day of April one thousand nine hundred and forty-four 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 Corporation 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 Corporation in respect of the undertaking; or
- (c) subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure on capital account 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;

PART IV.  
—cont.

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and 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.

Surplus  
electricity  
revenue.16 & 17 Geo. 5.  
c. 51.

**37.—(1)** In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of section 36 (Application of general rate fund for certain purposes of this Act) (namely):—

If in respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any fund accumulated for the redemption of debt or as a reserve fund provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) (e) and (f) of subsection (1) of section 35 (Accounts of undertakings) of this Act then—

(a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital the Corporation shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between that sum and the said excess) and the charges for electricity supplied by the Corporation shall be



reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

PART IV.  
—cont.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

38.—(1) The four 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-four.

Date of  
operation of  
certain  
sections and  
repeal.

(2) As from the said date the enactments specified in the schedule shall be repealed so far as the same are still in force and are inconsistent with the provisions of the last four preceding sections of this Act.

39. If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough 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 defaulter until the complaint is determined upon the return of the summons.

Recovery  
of rate &c.  
from persons  
removing.

40. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

As to  
recovery of  
rates from  
tenants and  
lodgers.

41. The Corporation 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.

## PART IV.

—cont.

Recovery of  
rates from  
certain  
owners.

42.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditament to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the Council.

Subscriptions  
to local  
government  
associations  
and other  
expenses.

43. The Corporation may pay out of the general rate fund and general rate—

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

Aerodrome  
undertaking:  
10 & 11 Geo. 5.  
c. 80.

44.—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") they may make such charges in respect thereof as they may think fit and may grant a lease of or let



the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit:

PART IV.  
—cont.

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith:

Provided that should any such aerodrome or part thereof be established or should any byelaws relating to it be proposed to be operative within the administrative county of Leicester the Corporation one month before submitting for confirmation by the Secretary of State for Air any byelaws under this subsection shall forward a copy of such byelaws to the clerk of the county council who shall submit any objections or representations with respect to such byelaws to the said Secretary of State before the expiration of that period and before confirming such byelaws the said Secretary of State shall consider any objections or representations so submitted.

(3) The aerodrome undertaking shall be subject to the like control by the Secretary of State under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

(4) 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 Secretary of State for Air.

45. The Corporation may establish and maintain or may subscribe towards the establishment and maintenance of an information bureau or information bureaux in the borough for the purpose of supplying information with regard to the borough and neighbourhood and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

Power to establish information bureaux.

#### PART V.

##### MISCELLANEOUS.

46. The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Application of provisions of Public Health Act 1936.

Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

Section 283 (Notices to be in writing: forms of notices &c.)

PART V.  
—cont.

- Section 284 (Authentication of documents);  
 Section 285 (Service of notices &c.);  
 Section 286 (Proof of resolutions &c.);  
 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 &c.);  
 Section 304 (Judges and justices not to be disqualified by liability to rates);  
 Section 328 (Powers of Act to be cumulative).

Inquiries by  
Minister.

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

## Crown rights.

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

## Costs of Act.

49. 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 Corporation in the first instance out of the general rate fund and general rate or out of moneys to be borrowed under the authority of this Act for that purpose.



## THE SCHEDULE.

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### Loughborough Local Board Act 1868—

- Section 35 (Power to re-borrow);
- Section 38 (Income of local board);
- Section 39 (General district rate and estimates to include sums payable on mortgage);
- Section 41 (Application of revenue):

### Loughborough Local Board Act 1886—

- Section 14 (Application of moneys derived from sale of surplus lands);
- Section 31 (Provisions of Public Health Act as to mortgages to apply);
- Section 36 (Power to re-borrow);
- Section 37 (Annual return to Local Government Board with respect to sinking funds);
- Section 39 (Protection of lenders from inquiry);
- Section 42 (Application of water revenue of Local Board);
- Section 43 (Audit of accounts);
- Section 44 (Deficiency in water account to be made good):

### Loughborough Corporation Act 1897—

- Section 23 (Power to borrow) the last paragraph;
- Section 24 (Protection of lenders from inquiry);
- Section 26 (Sinking fund);
- Section 28 (Sinking fund may be adjusted);
- Section 29 (Power to re-borrow);
- Section 31 (Application of money borrowed);
- Section 32 (Application of moneys from sale &c. of land);
- Section 34 (Application of water revenue to payments in respect of moneys borrowed);
- Section 35 (Application of Municipal Corporations Act 1882 as to accounts):

### Loughborough Corporation Act 1899—

- Section 41 (Application of gas revenue);
- Section 42 (As to deficiency in receipts);
- Section 92 (Application of revenue);
- Section 135 (Provisions as to mortgages);
- Section 136 (Protection of lenders from inquiry);
- Section 138 (Sinking fund);
- Section 139 (Return respecting sinking fund to Local Government Board);
- Section 140 (Sinking fund may be adjusted);
- Section 141 (Power to re-borrow);
- Section 143 (Application of money borrowed);
- Section 144 (Application of moneys from sale &c. of land);
- Section 147 (Application of Municipal Corporations Act 1882 as to accounts):

## Loughborough Corporation Act 1905—

- Section 13 (As to amendment of rates);  
Section 14 (Power to borrow) the last paragraph;  
Section 15 (Protection of lenders from inquiry);  
Section 17 (Sinking fund);  
Section 18 (Return respecting sinking fund to Local Government Board);  
Section 19 (Sinking fund may be adjusted);  
Section 20 (Power to re-borrow);  
Section 22 (Application of money borrowed);  
Section 23 (Application of money from sale &c. of land);  
Section 25 (Application of water revenue to payments in respect of moneys borrowed);  
Section 26 (Application of Municipal Corporations Act 1882 as to accounts).

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