

[42 & 43 VICT.]

*West Kent Main Sewerage
(Amendment) Act, 1879.*

[Ch. lxviii.]



CHAPTER lxviii.

An Act for conferring further powers on the West Kent Main Sewerage Board and its Constituent Authorities, and for making Amendments in the West Kent Main Sewerage Acts; and for other purposes. A.D. 1879.
[3d July 1879.]

WHEREAS under the West Kent Main Sewerage Act, 1875, (in this Act called "the Act of 1875,") the West Kent Main Sewerage Board (in this Act called "the Board") are incorporated and invested with powers of constructing works for the more effectual sewerage of parts of the western portion of the county of Kent: 38 & 39 Vict.
c. clxiii.

And whereas by the West Kent Main Sewerage (Amendment) Act, 1876, (in this Act called "the Act of 1876,") a deviation of a portion of the line of one of the Board's main sewers was authorised, and by the West Kent Main Sewerage (Amendment) Act, 1877, (in this Act called "the Act of 1877,") the Board were empowered to construct a new sewer, and the Act of 1875 was in divers respects amended: 39 & 40 Vict.
c. lvii.

And whereas it is expedient that the periods limited by the Acts of 1875, 1876, and 1877 for the completion of the works authorised by those Acts respectively be extended, and that the period limited by the Act of 1877 for the compulsory purchase of lands under that Act be also extended: 40 & 41 Vict.
c. lxviii

And whereas it is expedient that further provisions be made with respect to connecting the sewers of the constituent and other sanitary authorities with the main sewers of the Board, and with respect to the examination and repair of the Board's sewers, and with respect to the vesting of easements in the Board:

And whereas the rates leviable by the constituent authorities to meet the contributions required from them by the Board are limited by the Act of 1875, as regards any parish or part of a parish, to

[Local.-68.]

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A.D. 1879. — one shilling in the pound in any year, and rates so limited are found to be inadequate for their purpose, and it is expedient that such limit be altered :

And whereas it is expedient that further provisions be made for determining from time to time the degree in which the districts of the constituent authorities are respectively benefited by the Board's sewers :

And whereas it is expedient that the provisions of the Acts of 1875 and 1877 with respect to the election of members of the Board, and the appointment and remuneration of a returning officer, be amended :

And whereas it is expedient that further borrowing and other powers be conferred on the Board as in this Act mentioned :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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,)

Short title.

1. This Act may be cited for all purposes as the West Kent Main Sewerage (Amendment) Act, 1879.

Extension of period for completion of works.

2. The periods limited by the Acts of 1875 and 1876 for the completion of the works authorised by those Acts are hereby extended to the expiration of two years from the passing of this Act, and the period limited by the Act of 1877 for the completion of the works authorised by that Act is hereby extended to three years from the passing of this Act.

Extension of period for purchase of lands.

3. The period limited by the Act of 1877 for the compulsory purchase by the Board of lands is hereby extended to the expiration of two years from the passing of this Act.

Power for Board to pay expenses of connecting sewers.

4. Where the Board make any communication between any of their sewers and any sewer of a constituent or other sanitary authority, the Board may, if they see fit, pay the whole or any portion of the expenses incurred in making and maintaining such communication; and for the purposes of this section the Board may, if they see fit, enter into agreements with constituent and other sanitary authorities, and any agreements and payments made under the provisions of this section shall be taken into consideration in determining any question as to the degree of benefit caused by the Board's sewers to the district of any such authority as aforesaid.

5. Section ninety-two of the Act of 1875 is hereby repealed, and A.D. 1879.
in lieu thereof be it enacted that—

The provisions of section three hundred and five of the Public Health Act, 1875, shall apply to the Board for the purposes of this Act, not only in the cases therein mentioned, but also where the Board desire to exercise the powers thereof for the purpose of discovering or ascertaining any communication with or opening into any sewer of the Board, or the flowing or passing of any matter into any sewer of the Board, or into any drain, channel, or watercourse communicating therewith; and the powers conferred by the said section and by this section may be exercised by the Board without as well as within their district.

Repeal of
section 92 of
38 & 39 Vict.
c. clxiii., and
substituted
enactment.
38 & 39 Vict.
c. 55.

6. Where the purchase money or compensation to be paid by the Board for any easement has been agreed on or settled by arbitration or determined by a jury, or by a surveyor appointed by two justices, the Board shall pay the same purchase money or compensation to the person entitled thereto, or in the case of parties having limited interests or prevented from treating or not making title as mentioned in the sections of the Lands Clauses Consolidation Act, 1845, relating to the application of compensation coming to parties under disability, the Board shall pay the said purchase money or compensation into the Bank of England in the name and with the privity of Her Majesty's Paymaster General, to be placed to the account there of such Paymaster General ex parte The West Kent Main Sewerage Board in the matter of this Act, pursuant to the method prescribed by any Act for the time being in force for regulating moneys paid into the Bank in the name and with the privity of the said Paymaster General, and such moneys shall remain so deposited until the same shall be applied in payment to any party becoming absolutely entitled to such moneys; and upon such payment being made as aforesaid the Board shall execute a deed poll under their common seal in the form contained in Schedule A. to this Act, or as near thereto as circumstances will admit, either inserting or omitting the words included within brackets in the said form, and adding in a schedule to such deed poll a sufficient description of the lands in which such easement is to be exercised or enjoyed, and, if the Board so think fit, adding a map of the same lands, and such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the Board of the easement described in the said deed poll, and thereupon such easement shall by virtue of this Act, without any other assurance, be vested in and may be taken and enjoyed by the Board, their successors and assigns.

Vesting of
easements
in Board.

8 & 9 Vict.
c. 18.

A.D. 1879.

If any person entitled to receive from the Board any purchase money or compensation for any easement declines to accept payment of the same, or cannot be found in order to receive such payment, or fails to appear on the inquiry before a jury as provided by the Lands Clauses Consolidation Act, 1845, and this Act, the Board may pay the same into the Bank of England in the name and with the privity of Her Majesty's Paymaster General, to be placed to his account there *ex parte* The West Kent Main Sewerage Board in the matter of this Act, pursuant to the same method as applies to the other moneys to be deposited to the same account as aforesaid, and such moneys shall in like manner remain so deposited until the same shall be applied in payment to any party becoming absolutely entitled to such moneys; and immediately upon any such payment being made as aforesaid such easement shall, without any grant, conveyance, or other instrument or assurance, be by virtue of this Act vested in and may be taken and enjoyed by the Board, their successors and assigns, as in the case of persons not making title as aforesaid.

Alteration of
limit of rates.

7. Section sixty of the Act of 1875 and section twelve of the Act of 1876 shall (as regards any rates to be made and levied by any constituent authority after the passing of this Act) respectively be read and have effect as if the words "one shilling and ninepence" were substituted for the words "one shilling" wherever the last-mentioned words occur in either of the said sections, and any enactment referring to either of the said sections shall be deemed to refer to them as amended by this Act.

Mode of de-
termining
degree of
benefit to
districts of
constituent
authorities.

8. Section sixty-one of the Act of 1875 is hereby repealed, and in lieu thereof be it enacted that—

The Local Government Board may from time to time, on the application of the Board or any constituent authority, appoint a skilled and impartial person (not being an officer of the Local Government Board) as referee, to determine and declare, as among the several constituent authorities, in what degree the district of each of them is or will be benefited by the execution and maintenance of the Board's sewers:

The referee shall, after due inquiry and hearing the Board and such of the constituent authorities as desire to be heard before him, in each case make a written award determining the questions referred to him as aforesaid, and shall send a copy of such award to the Board and to each of the constituent authorities:

Any difference arising after the passing of this Act between any constituent authority and any parish or part of a parish where the whole of such parish is not within the district of the Board, as to

the degree in which such parish or part of a parish is or will be benefited by the execution and maintenance of the Board's sewers, shall also be referred to and determined in manner aforesaid by a referee to be appointed by the Local Government Board on the application either of such constituent authority or of the vestry of such parish :

A.D. 1879.

The award of a referee appointed under this section shall be binding and conclusive, and any contributions made or to be made by the constituent authorities or by any such parish or part of a parish as aforesaid to any constituent authority shall be adjusted and regulated thereby, and the costs, charges, and expenses of every such referee shall be paid by such of the parties or by the parties in such proportions as the referee may determine to be just :

An award under this section may alter or modify any determination or declaration of the Board or of a civil engineer made under section sixty-one of the Act of 1875, or any previous award made under this section.

9. The provisions of the Act of 1875 relating to the election of members of the Board shall be further amended as follows :—

Further amendment of provisions of 38 & 39 Vict. c. clxiii. as to election of members of Board.

On the fifteenth day of April one thousand eight hundred and eighty the four members of the Board returned by the Bromley Board of Guardians shall be reduced to three, and the two members of the Board appointed by the Bromley Board of Guardians from the Chislehurst Parochial Committee, and the Orpington, St. Mary's Cray, St. Paul's Cray, Foot's Cray, or the North Cray Parochial Committee, who are in office at the passing of this Act shall vacate their offices, and the power of that board to appoint such members shall cease and determine ; and in the year one thousand eight hundred and eighty, and in every succeeding year, a member of the Board representing the parish of Chislehurst, and a member of the Board representing the parishes of Orpington, St. Mary's Cray, St. Paul's Cray, Foot's Cray, and North Cray (herein-after referred to as "the united parishes"), shall be elected by such owners and ratepayers of the parish of Chislehurst and by such owners and ratepayers of the united parishes respectively as are entitled to vote at elections of guardians of the poor, and every such election shall be held as nearly as may be in the same manner and at the same time as elections of the guardians of the poor are held, and as if the united parishes had been united for the purpose of elections of the guardians of the poor by order of the Local Government Board :

A.D. 1879.

For the purposes of every such election the clerk for the time being to the Bromley Board of Guardians shall be the returning officer, and the Bromley Rural Sanitary Authority shall pay to the returning officer for the performance of his duties in regard to every such election such sum, not exceeding twenty pounds, as they shall determine (which sum shall include the remuneration of the persons who may have been appointed or employed to assist him in conducting and completing the election). Where voting papers have been delivered the Bromley Rural Sanitary Authority shall pay to the returning officer, in addition to any sum which he may receive under the foregoing provision, the sum of twopence in respect of each person separately assessed to the poor rate of the parish of Chislehurst or of any of the united parishes; and where voting papers have been prepared but have not been delivered they shall pay to the returning officer, in addition to any sum which he may receive under the said foregoing provision, the sum of one penny in respect of each person separately assessed as aforesaid. The Bromley Rural Sanitary Authority shall also defray the cost of providing the supply of bags or boxes, and of forms and poll books, required for the purposes of any such election, and may, if they think fit, also defray the cost of a supply of nomination papers. All sums paid by the Bromley Rural Sanitary Authority under this section shall be deemed to be special expenses incurred by them under the powers of the Act of 1875 in respect of the parish of Chislehurst or of the united parishes, as the case may be, and shall be levied and paid accordingly by the overseers of the parish of Chislehurst and of the united parishes respectively.

Power for
Local Government
Board to
readjust re-
presentation.

10. After the issue by the Local Government Board of a certificate certifying the completion of the Board's sewers and filtering bed, the Local Government Board may, on the application of the Board or of any constituent authority, from time to time, by Provisional Order confirmed by Parliament, rescind, amend, or vary any provisions of the Acts of 1875, 1876, and 1877, or of this Act, with respect to the number, qualification, and mode of election of members of the Board, and generally may make such provisions for readjusting and regulating the representation on the Board of the several constituent authorities as to the Local Government Board may seem fit.

Returning
officer in case
of direct re-
presentation

11. In the event of an order being made under this Act and confirmed by Parliament directing the representative or representatives of any constituent authority to be elected by owners and

ratepayers, the clerk to the board of guardians of the union forming or comprising the district of such authority shall be the returning officer for the purposes of such election, and shall receive such remuneration (including the necessary expenses of such election) to be charged and paid in such manner as the said board of guardians may, with the approval of the Local Government Board, determine.

A.D. 1879.
—
of constituent
authority.

12. Whereas a local board has been constituted for the district comprising the parish of Beckenham, and three members of the Board are now appointed by the said local board pursuant to an order of the Local Government Board in that behalf: Be it enacted, that the paragraph of section seventeen of the Act of 1877 designated as "first" is hereby repealed.

Repeal of
provisions as
to election of
Beckenham
members.

13. The Board may from time to time, with the consent of the Local Government Board, but not otherwise, borrow at interest, on the security of the contributions of the constituent authorities and of the other revenue of the Board, such money as they think requisite, not exceeding in the whole the sum of one hundred thousand pounds, and may mortgage the contributions and revenue aforesaid to secure repayment of the money so borrowed, with interest accordingly.

Further
power for
Board to
borrow.

14. Any moneys which the Board are authorised to borrow under this Act may be borrowed by the Board either in manner provided by and subject to the provisions of the Act of 1875 or in manner provided by and subject to the provisions of the Local Loans Act, 1875, and for the purposes of this enactment the Board shall be deemed to be a local authority within the meaning of the last-mentioned Act, and the contributions of the constituent authorities and the other revenue of the Board shall be deemed to be the local rate.

Mode of
borrowing.

38 & 39 Vict.
c. 83.

The Board may raise all or any moneys which they are for the time being authorised to raise under the Act of 1875, the Act of 1877, or this Act, in manner provided by the Local Loans Act, 1875, by the creation and issue of debenture stock.

15. All money borrowed by the Board under the authority of this Act shall be applied by them in the construction of the works authorised by the Acts of 1875, 1876, and 1877, and in the purchase of any lands they may from time to time be authorised to purchase, and in the execution of any purposes of this or the aforesaid Acts to which borrowed money is under those Acts applicable, and not otherwise.

Application
of borrowed
money.

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Period for
repayment of
borrowed
money.

16. The Board shall pay off all moneys borrowed by them under the authority of this Act within sixty years after borrowing the same, either by yearly or half-yearly instalments or by means of a sinking fund appropriated for that purpose, and with the accumulations thereof (if any) from time to time applied for that purpose, subject to the provisions either of the Act of 1875 or of the Local Loans Act, as the case may be :

Provided that the amount of such instalments and of the payments into the sinking fund shall be such as the Local Government Board may from time to time approve ; and in the case of any moneys borrowed by the Board under this Act in manner provided by the Local Loans Act, 1875, the first of such instalments shall be paid, or the first of such payments into the sinking fund shall be made, within a year after such moneys have been borrowed.

Securities for
investment of
sinking fund.

17. All moneys paid into any sinking fund established for the purpose of paying off any moneys which may have been or may hereafter be borrowed by the Board in manner provided by and subject to the provisions of the Act of 1875 shall be invested in securities in which trustees are for the time being authorised by law to invest, and any such investments may be from time to time varied or transposed, and all dividends and other annual sums received in respect of such investments shall as soon as may be after they are received be paid into such sinking fund and invested by the Board in like manner.

Application
of sinking
fund.

18. The Board may from time to time apply any sinking fund created by them, or any part thereof, in or towards the discharge of the principal moneys in respect of which it was created, or of any part thereof :

Provided that whenever any of such principal moneys have been paid off the Board shall thenceforward pay into the sinking fund in every year (in addition to the other sums required to be paid in) a sum equal to the yearly interest on the principal moneys so paid off : Provided further, that whenever and so long as the yearly income arising from the sinking fund is equal to the yearly interest on the principal moneys for the time being outstanding, the Board may, in lieu of investing such yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment into the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to
re-borrow
moneys bor-

19. The Board, for the purpose of paying off any moneys borrowed by them under the Act of 1875, the Act of 1877, or

this Act, (whether borrowed in manner provided by the Act of 1875 or raised by the issue of debentures or debenture stock under the Local Loans Act, 1875,) may from time to time during the period prescribed by the Act of 1875, the Act of 1877, or this Act, as the case may be, for the repayment of such moneys, re-borrow such sums as they may require either by way of mortgage or by the issue of debentures or debenture stock under the Local Loans Act, 1875, or by any two or more of such methods: Provided that all sums so re-borrowed shall be repaid within the period prescribed for the repayment of the respective moneys in lieu of which they are re-borrowed, and that the moneys originally borrowed, and any sums from time to time re-borrowed under the foregoing provisions, shall for the purposes of sections fourteen and fifteen of the Local Loans Act, 1875, be deemed to form the same loan, and the obligations of the Board with respect to the sinking fund to be set aside in respect of such moneys and (save as herein-after provided) with respect to the appropriation and application of a fixed annual sum for the repayment of such moneys shall not in any way be affected by reason of such re-borrowing. If the Board elect to pay off any moneys borrowed by them by the appropriation of an annual sum as provided by section fourteen of the Local Loans Act, 1875, and any moneys in respect of which the annual sum is appropriated are paid off by means of moneys borrowed at a different rate of interest than that payable on the moneys so paid off, the annual sum shall be reduced or, as the case may be, increased by the subtraction therefrom or the addition thereto of a sum equivalent to the decrease or increase of the interest payable by the Board in consequence of such repayment and re-borrowing.

A.D. 1879.
rowed either
before or
after passing
of Act.

20. The clerk to the Board shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or to be paid as an instalment under this Act, transmit to the Local Government Board a return in the form prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been paid as instalments or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

A.D. 1879. be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund or of the sums accumulated by way of interest to any purposes other than those authorised by this Act, the Local Government Board may, if they think it just, and after hearing the Board, if desiring to be heard, by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of Her Majesty's High Court of Justice.

Penalty on
damaging
sewers or
works of
Board.

21. Any person who wilfully or negligently damages the Board's sewers, or any other works or property of the Board, shall be liable to a penalty not exceeding five pounds, and any such penalty may be recovered summarily as penalties are authorised to be recovered by the Act of 1875.

As to Provi-
sional Orders
made by
Local Go-
vernment
Board.

22. With respect to Provisional Orders made by the Local Government Board under the authority of this Act, sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875, shall apply as if they were, mutatis mutandis, enacted in this Act, and the expression "local authority" in those sections shall include the Board and any constituent authority.

Powers of
Act cumula-
tive.

23. All rights and powers conferred on the Board by this Act or any enactments incorporated therewith shall be deemed to be in addition to and not in substitution for or derogation of any rights or powers conferred on the Board by any general or local Act of Parliament.

Saving rights
of the Crown.

24. Section one hundred and seven of the Act of 1875 shall apply to any proceedings of the Board under the authority of this Act as if such section was re-enacted in this Act.

As to works
affecting
London,
Chatham,
and Dover
Railway
Company.

25. Any works to be constructed, laid down, or executed in exercise of the powers conferred by this Act, crossing or otherwise interfering with any railway, or the stations, bridges, or works thereof, at any time belonging to or worked or occupied by the London, Chatham, and Dover Railway Company, shall be done under the superintendence and to the reasonable satisfaction of the principal engineer having the charge of such railway, stations,

A.D. 1879.

bridges, and works respectively, and according to plans to be reasonably approved by him before any such works are begun, and he may appoint and employ such necessary inspectors and watchmen as he may think proper to superintend the execution of the works and to secure the safety of such railway, stations, bridges, or works, and the cost of all such works, as well as of the superintendence thereof as before provided for, shall be borne and defrayed by the Board, and such works shall be carried out so as not to cause any injury to any such railway, stations, bridges, or works, or any interruption of the passage or conduct of traffic over or at any such railway or stations; and if any injury owing to or by reason of the construction or repair of any of the said works shall arise to any such railway, stations, bridges, or works, or interruption to any such traffic, the Board shall make full compensation in respect thereof to the London, Chatham, and Dover Railway Company.

26. Nothing in this Act contained shall be held to prejudice, alter, or affect the provisions of an agreement dated the fourth day of July one thousand eight hundred and seventy-six, entered into between the Board of the one part, and the Local Board for the district of Bromley of the other part, in pursuance of the fifty-first section of the Act of 1875, and set forth in Schedule B. to this Act.

Saving agreement with Bromley Local Board.

27. Nothing in this Act contained shall prejudice, alter, or affect any of the powers, rights, privileges, or liabilities to which the Dartford Local Board, the Dartford Rural Sanitary Authority, the Sevenoaks Local Board, the Sevenoaks Rural Sanitary Authority, or the Darenth Valley Main Sewerage Board, the Erith Local Board, or any or either of them, now are or may hereafter become entitled or subject to, either as constituent authorities or otherwise, under any of the provisions of the Acts of 1875, 1876, and 1877, or of the Local Government Board's Provisional Order Confirmation (Darenth Valley) Act, 1878.

Saving rights of Dartford Local Board, &c.

41 & 42 Vict. c. cexi.

28. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Board out of money borrowed or contributions raised by them under the powers of this Act and of the Acts of 1875 and 1877, and such costs, charges, and expenses shall, before the same become chargeable, be examined and allowed by some person to be authorised by the Local Government Board.

Expenses of Act.

A.D. 1879.

SCHEDULES referred to in the foregoing Act.SCHEDULE A.

KNOW all men by these presents, that whereas it is intended to construct in and upon the lands which are described in the Schedule hereto, and in which *A.B.* of _____, in the county of Kent, has or claims some estate or interest, portions of the main sewer and works authorised by the West Kent Main Sewerage Acts, and the sum of £ _____ has been duly paid as and for the purchase money and compensation payable in respect of the premises, according to the provisions of the said Acts, we, the West Kent Main Sewerage Board, do hereby, to the intent to vest in ourselves, our successors and assigns, the easements herein-after specified, declare that we have purchased and taken full right and liberty to make and for ever maintain, use, inspect, amend, and keep in repair such portions of the said sewer and works as are intended to be constructed in and upon the said lands according to the plans and sections deposited under the provisions of the said Acts, or as near thereto as circumstances will admit (including the ventilators, manholes, and shafts, of which the situation is described, as near as may be, in the said Schedule), and either to remove the soil and minerals taken up in constructing the said sewer and works as aforesaid or to use the whole or any part thereof for the purposes of such construction; together with the right of sufficient vertical and lateral support for the portions of the said sewer and works so constructed as aforesaid from the residue of the lands described in the said Schedule, and together with the right for the purposes aforesaid, or any of them, at all seasonable times, with surveyors, workmen, horses, carts, waggons, and other persons and things, to enter into and upon the said lands, sewer (ventilators, manholes, shafts), and works, and to bring and place upon the said lands and remove such materials, machinery, and other articles, and to do such things as to the said Board shall seem fit. In witness whereof we have hereunto attached our common seal the _____ day of _____ one thousand eight hundred and _____

[The Schedule and Map.]

A.D. 1879.

SCHEDULE B.

ARTICLES of AGREEMENT made the fourth day of July one thousand eight hundred and seventy-six between the West Kent Main Sewerage Board, herein-after called "the Board," of the one part, and the Local Board for the district of Bromley in the county of Kent, herein-after called "the Bromley Local Board," of the other part; whereby (pursuant to the fifty-first section of the West Kent Main Sewerage Act, 1875, herein-after called "the Act") it is agreed as follows:

1. The Bromley Local Board shall from and after the date of this agreement become a constituent authority for all the purposes of the Act, upon the terms and subject to the stipulations and conditions herein-after contained.

2. The Bromley Local Board shall be entitled to send to the Board three members to represent them.

3. Notwithstanding anything in the Act contained, the maximum contribution of the Bromley Local Board to the Board shall not exceed the sum which would be payable by the said Bromley Local Board if for the purpose of ascertaining the proportion of such cost chargeable to each constituent authority the following regulations, herein-after called the "sectional principle," were adopted by the Board; videlicet, That after the completion of the works authorised by the Act, or any Amendment Act, separate accounts shall be taken of the cost of construction of the main sewers and outfall works from and to the several points at which the subsidiary or branch sewers of constituent authorities carrying the sewage of the several districts or parts of districts, or parishes or parts of parishes, into the Board sewers, and the cost of construction and maintenance of each section and of the outfall works shall be borne by the several constituent authorities using such sections respectively, either solely or, if used in common with other authorities, in accordance with the proportion which the rateable value for sanitary purposes of the entire area of the district of each of such authorities bears to the other or others of them having joint user of each such section, whether the same shall be wholly or only partially drained by means of the Board's sewers, save and except that in the case of rural sanitary authorities the rateable value of any parish of which no part shall for the time being be drained through the Board's sewers shall not be included in such calculation; provided also, that the rateable value of the tongue of land at Beckenham now drained into the metropolitan sewers shall not be taken into calculation; provided also, that the contribution of parishes or local board districts partly drained by one section and partly by another shall be fairly apportioned by the Board as between the several joint contributories to the expenses of each such section. All such annual payments or sums in gross as shall from time to time be received from persons or sanitary authorities not being constituent authorities for the use of any portion of the Board's sewers, and of the outfall works, shall be applied in reduction of the annual charge, or if a sum in gross in repayment of the debt of the several constituent authorities in proportion to their several contributions

A.D. 1879. — for the time being in respect of the section or sections used by the persons or authorities making such payments.

4. For the purpose of ascertaining such maximum sum or annual payment to be contributed by the Bromley Local Board, the Board shall from time to time, as the same shall become necessary, cause all such accounts to be taken and calculations made as are mentioned and referred to in the last preceding paragraph, or as may be found necessary to ascertain the proper maximum chargeable on the Bromley Local Board in accordance with the said "sectional principle."

5. The proportion to be contributed by the Bromley Local Board of the preliminary, parliamentary, and other costs and charges heretofore incurred by the Board shall be referred to and decided by an arbitrator named by the Local Government Board, and in ascertaining such proportion regard shall be had to the expenses incurred by the Bromley Local Board in reference to the Crofton scheme and to their opposition to the Act, which are to form part of or be included in such reference.

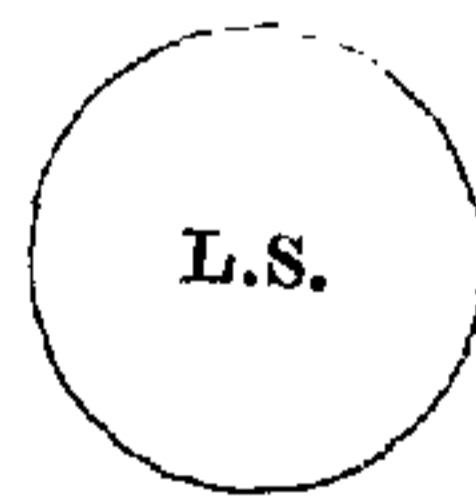
6. In case it should happen that any obstacle shall arise whereby the construction of the Board's sewers shall be prevented or delayed beyond the period fixed by the Act, or any Amendment Acts, the Bromley Local Board shall not be liable to pay any portion of such last-mentioned expenses, but only its share of such expenses as shall have been incurred by the Board subsequent to the date of this agreement, such share to be ascertained and determined in case of disagreement by a like reference to an arbitrator named by the Local Government Board as is provided by the last preceding paragraph of this agreement.

7. The arbitrators' fees and costs of award under either of the arbitrations provided for by the two last preceding paragraphs shall be borne in equal proportions by the Board and the Bromley Local Board.

8. Any dispute arising as to the construction or the terms of this agreement shall stand referred to the decision of the Local Government Board, pursuant to the ninety-third section of the Act.

In witness whereof the said Board and Bromley Local Board have hereunto caused their respective common seals to be affixed the day and year first above written.

The seal of the within-named Bromley Local Board was impressed upon this agreement in our presence, pursuant to a resolution of the said Local Board passed on the twelfth day of June one thousand eight hundred and seventy-six.



(Signed) A. HAMILTON, Chairman.

(Signed) JOSHUA BAILEY, Clerk.