



CHAPTER lxxii.

An Act to extend the District of the Malvern Link Urban District Council to authorise the Urban District Council of the extended District to construct Waterworks for the supply thereof and for other purposes. A.D. 1896.

[2nd July 1896.]

WHEREAS the Malvern Link Urban District in the county of Worcester is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the Malvern Link Urban District Council in this Act referred to as "the District Council":

And whereas the said urban district (in this Act referred to as "the existing district") is divided into two parts by the parish of Cradley which forms part of the Bromyard Rural District in the county of Hereford:

And whereas it is expedient that the boundaries of the administrative counties of Hereford and Worcester should be altered by transferring to the administrative county of Worcester part of the parish of Cradley aforesaid:

And whereas it is expedient that the limits of the existing district should be extended so as to include a portion of the parish of Cradley (in this Act referred to as "the added area") and that the added area should for all purposes other than exclusively ecclesiastical purposes be annexed to and form part of the parish of Mathon Urban and that the name of the last-mentioned parish should be changed:

And whereas it is expedient that the added area should be annexed to the No. 1 or West Malvern Ward of the existing district and form part of the No. 1 or West Malvern Ward of the district as extended by this Act (in this Act referred to as "the extended district") but that there should be no alteration in

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A.D. 1896. the constitution of the District Council or in the number of representatives of the said ward :

And whereas it is expedient that that part of the parish of Cradley which is without the extended district should for all purposes other than exclusively ecclesiastical purposes be constituted a separate parish and that the rights powers and obligations of the district council of the Bromyard Rural District over the added area should cease and that the District Council should be constituted the sole authority for all sanitary government within the added area :

And whereas it is expedient to make provision for such adjustment of the rights property and liabilities of the several authorities as may be rendered equitable by reason of the extension of the existing district :

And whereas the District Council have adopted the Infectious Disease (Notification) Act 1889 the Infectious Disease (Prevention) Act 1890 and the Public Health Acts Amendment Act 1890 (Parts I. II. III. and V.) :

And whereas the extended district is without any proper water supply and it is expedient that the provisions contained in this Act for the construction of waterworks and the supply of such district and also the parishes of Colwall and Cradley in the county of Hereford and Mathon Rural Leigh Madresfield and Newland in the county of Worcester should be sanctioned :

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

And whereas estimates have been prepared by the District Council for the purchase of land and for the execution of the works by this Act authorised and such estimates amount to the sum of fifty thousand pounds :

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the members of the District Council at a meeting held on the twenty-second day of July one thousand eight hundred and ninety-five after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Worcester Daily Times a local newspaper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate of the district :

And whereas such resolution was published twice in the *Malvern News* a newspaper circulating in the district and has received the approval of the Local Government Board : . . . A.D. 1896.

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the District Council at a further special meeting held in pursuance of a similar notice on the thirty-first day of January one thousand eight hundred and ninety-six being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district by resolution in the manner provided by the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Worcester and Hereford and are herein-after respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 :—

PRELIMINARY.

1. This Act may be cited as the *Malvern Link (Extension and Water) Act 1896*. Short title.

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

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words in section 44 “ with the consent in writing of “ the owner or reputed owner of any such house or of the “ agent of such owner ” ; and

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The Waterworks Clauses Act 1863 :

And the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall apply to the reservoirs and road diversion by this Act authorised and the works immediately connected therewith.

Interpreta-
tion.

3. In this Act the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that for the purposes of this Act in the Acts wholly or partially incorporated with this Act—

The expression “the Promoters of the Undertaking” means the District Council ;

“The existing district” means the Malvern Link Urban District as existing immediately before the passing of this Act ;

“The added area” means the area by this Act added to the existing district ;

“The extended district” means the Malvern Link Urban District as extended by this Act ;

“The district” means the existing district or the extended district as circumstances require ;

“The District Council” means the urban district council of the existing district or of the extended district as circumstances require ;

“The district fund” and “the general district rate” means respectively the district fund and the general district rate of the district ; and

“The district and county plan” means the plan of the district and of portions of the counties of Worcester and Hereford adjacent thereto signed in duplicate by the Earl of Lauderdale the chairman of the Committee of the House of Lords to whom the Bill for this Act was referred :

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 by this Act applied—

“The railway” means any of the reservoirs or the road diversion respectively by this Act authorised ; and

“The centre of the railway” means with respect to any reservoir by this Act authorised the boundaries of such reservoir and with respect to the road diversion the centre line of such diversion ;

And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression

in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1896.

4. Subject to the provisions of this Act this Act shall be carried into execution by the District Council. Execution of Act.

EXTENSION OF DISTRICT.

5. As from the thirty-first day of March one thousand eight hundred and ninety-seven the boundary of the existing district shall be extended so as to comprise and the district shall accordingly comprise in addition to the existing district the part of the parish of Cradley defined in the schedule to this Act. Extension of boundary of district.

The district as extended is delineated on the district and county plan and described in the schedule to this Act and if there be any discrepancy between the district and county plan and the said description the latter shall prevail.

Notice of this provision shall be plainly set forth on the district and county plan.

6. One part of the district and county plan shall be deposited by the clerk to the District Council in the Office of the Clerk of the Parliaments and one part shall be deposited by such clerk at his office within fourteen days after the thirty-first day of March one thousand eight hundred and ninety-seven and copies thereof certified by such clerk to be true shall be sent as soon as may be after such deposits to the Local Government Board to the clerks of the county councils of Worcester and Hereford respectively to the clerk of the district council of the Bromyard Rural District and to the Director General of Her Majesty's Ordnance Survey at Southampton. Deposit of district and county plan.

7. Copies of or extracts from the district and county plan deposited with the clerk to the District Council certified by him to be true shall be received in all courts of justice and elsewhere as primâ facie evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of persons liable to rates imposed by the District Council and all persons so liable shall be entitled to a copy of or extract from such plan certified by the said clerk to be true on payment of a reasonable fee for every such copy or extract. All sums received under this section shall be carried to the credit of the district fund. Copies of deposited district and county plan to be evidence.

8. As from the thirty-first day of March one thousand eight hundred and ninety-seven the added area shall for all purposes other Division of parish of Cradley.

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A.D. 1896. than exclusively ecclesiastical purposes cease to form part of the parish of Cradley and be added to and form part of the parish of Mathon Urban which parish as so extended shall thereafter be called the parish of West Malvern.

Cesser of
parish council
jurisdiction
&c. within
added area.

9. As from the thirty-first day of March one thousand eight hundred and ninety-seven the parish council of the parish of Cradley shall cease to have jurisdiction within the added area.

Ward.

10. As from the thirty-first day of March one thousand eight hundred and ninety-seven the added area shall be included in the No. 1 or West Malvern Ward of the District and the persons who immediately prior to that date were the district councillors representing that ward shall be deemed to represent that ward as so altered as if they had been originally elected to represent the altered ward.

Transfer of
powers &c.
of local
authorities
to District
Council.

11. As from the thirty-first day of March one thousand eight hundred and ninety-seven the District Council of the Bromyard Rural District shall cease to exercise any powers and duties within any part of the added area and all the liabilities obligations and property attached to or vested in the District Council of the Bromyard Rural District so far as they may be attached to or vested in such authority in respect of the added area and all the property and liabilities vested in or attached to the parish council of the parish of Cradley in respect of the same area shall pass to and vest in the District Council and the liabilities obligations and property hereby transferred shall so far as necessary be the subject of an adjustment under section 68 of the Local Government Act 1894 among the authorities concerned as if such adjustment were required for the purpose of that Act.

Conveyances
&c. to
remain in
force.

12. Subject to the provisions of this Act all conveyances leases deeds appointments contracts agreements mortgages bonds covenants guarantees securities orders notices resolutions and proceedings made or entered into before the thirty-first day of March one thousand eight hundred and ninety-seven to with in favour of or by any local authority other than the District Council or any person on behalf of such local authority and then in force and relating exclusively to any part of the added area shall be and remain as good valid and effectual in favour of against and with reference to the District Council and may be proceeded on and enforced in like manner to all intents and purposes as if the District Council instead of such local authority had been parties or privy thereto.

13. Any action suit prosecution or other proceeding whatsoever relating exclusively to any part of the added area and commenced before the thirty-first day of March one thousand eight hundred and ninety-seven either by or against any local authority other than the District Council shall not abate or be discontinued or prejudicially affected by this Act but on the contrary may be maintained prosecuted or continued by in favour of or against the District Council in like manner to all intents and purposes as if the District Council instead of such local authority were parties to such action suit prosecution or proceeding.

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Actions &c.
not to abate.

14. All rates rents and moneys which on the thirty-first day of March one thousand eight hundred and ninety-seven are due and payable to any local authority other than the District Council in relation exclusively to any part of the added area with all interest (if any) due or to accrue due for the same shall after that date be payable to or recoverable by such local authority and all debts (other than mortgage debts) due or owing by or recoverable from any such local authority at that date shall after that date be paid with all interest (if any) due or to accrue due thereon by or be recoverable from such local authority as if this Act had not passed and shall be accounted for by such local authority on any adjustment of accounts between the District Council and such local authority under the provisions of this Act.

Arrears of
rates and
debts owing
&c. to and
by local
authorities.

15. All books and other documents directed or authorised to be kept by any local authority by any Act of Parliament and which on the thirty-first day of March one thousand eight hundred and ninety-seven would be receivable in evidence shall notwithstanding the annulling by this Act of the jurisdiction and powers of such local authority be admitted as evidence in all courts of justice and elsewhere.

Books to be
evidence.

16. All the real and personal property on the thirty-first day of March one thousand eight hundred and ninety-seven vested in the District Council are hereby as from that date vested in the District Council for the benefit of the extended district but subject to all debts liabilities interests and obligations affecting the same or any part thereof or the District Council in respect thereof.

District
Council's
property &c.
vested for
the benefit
of the
extended
district.

17. Except as by this Act otherwise expressly provided all the jurisdiction powers rights privileges authorities immunities and duties of the District Council and any committee thereof acting in the execution of such enactments as are on the thirty-first day of March one thousand eight hundred and ninety-seven in force within the existing district shall extend to and throughout the extended

Authority of
District
Council
extended.

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A.D. 1896. district and all enactments and all orders and regulations lists of tolls tables of fees and payments and scales of charges on the thirty-first day of March one thousand eight hundred and ninety-seven in force within and applicable to the existing district or to the inhabitants thereof shall subject to the provisions of this Act extend and apply to the extended district and the inhabitants thereof until or except in so far as any of such orders regulations tolls fees payments or charges may be repealed or altered.

As to bye-laws in added area.

18. As from the thirty-first day of March one thousand eight hundred and ninety-seven all byelaws then in force in the existing district shall subject to repeal extend to and be in force within the extended district as if such byelaws had been made by the District Council for the extended district and all byelaws made by the guardians of the poor of the Bromyard Union acting as a rural sanitary authority or by the District Council of the Bromyard Rural District and in force in the added area or any part thereof and any regulations made by the said guardians acting as aforesaid under the Dairies Cowsheds and Milkshops Order of 1885 made under the powers of the Contagious Diseases (Animals) Act 1878 shall cease to extend and apply to such area but all penalties incurred thereunder and all forfeitures which have ensued by reason thereof may be enforced and recovered by the District Council in like manner and in all respects as the same respectively might have been enforced and recovered by the respective local authorities as the case may be in case this Act had not been passed Provided that as regards any work in the added area commenced before the thirty-first day of March one thousand eight hundred and ninety-seven or any work not so commenced but for which plans shall either have been approved by the District Council of the Bromyard Rural District before such date or shall have been sent to the surveyor or clerk to such rural district council one month at least before such date and shall not have been disapproved by such rural district council the byelaws in force in the district shall not apply but the byelaws now in force in the added area shall continue to apply and shall be deemed to remain in force in like manner and with the like effect in all respects as if such byelaws had been made by the District Council and as if the District Council and district were referred to therein in lieu of the Rural Sanitary Authority of the Bromyard Union or the District Council of the Bromyard Rural District and the part of their district comprised in the added area.

As to certain adoptive Acts in

19. As from the thirty-first day of March one thousand eight hundred and ninety-seven the Infectious Disease (Notification) Act

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1889 the Infectious Disease (Prevention) Act 1890 and the Public Health Acts Amendment Act 1890 Parts I. II. III. and V. shall be in force within the added area. A.D. 1896.
force in the added area.

20. Until new valuation lists are in force the portion of the valuation list of the parish of Cradley which immediately before the thirty-first day of March one thousand eight hundred and ninety-seven related to hereditaments in the added area shall be deemed to be the valuation list for the added area. Valuation lists.

21. As from the thirty-first day of March one thousand eight hundred and ninety-seven the boundary between the counties of Worcester and Hereford shall be altered so that the added area shall cease to be within the administrative county of Hereford and shall form part of the administrative county of Worcester and for the purposes of sections 20 22 23 24 and 26 of the Local Government Act 1888 and for the purposes of the Local Taxation (Customs and Excise) Act 1890 such transfer of the added area from the administrative county of Hereford to the administrative county of Worcester shall take effect from that date Subject to any future revision the county rate basis or standard of the county of Hereford shall be altered by the omission therefrom of the annual value of the property in the added area and the county rate basis or standard of the county of Worcester shall be altered by the addition thereto of the annual value of the property in the added area as shown in the county rate basis or standard of the county of Hereford in force immediately before the thirty-first day of March one thousand eight hundred and ninety-seven. Alteration of county boundaries.

22. Lists of prisoners writs process and particulars and all records and documents relating to or to be executed in connexion with any action or proceeding pending or existing on the thirty-first day of March one thousand eight hundred and ninety-seven and appertaining to the added area shall be delivered turned over or transferred and signed in like manner in all respects so nearly as circumstances admit as is required to be done upon a new sheriff coming into office in like manner as if the sheriff of the county of Worcester were as respects the added area the new sheriff in succession to the sheriff of the county of Hereford. Transfer of lists of prisoners &c.

23. For the purposes of the lists of county electors the county registers and other lists to be made under the County Electors Act 1888 and the Acts amending the same and all matters in relation thereto the added area shall as from the passing of this Act be deemed to have always been part of the county of Worcester and anything required to be done in connexion with the purposes County electors' lists &c.

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aforesaid before the date of this Act may in so far as the same relates to the added area be done as soon as practicable after such date and if so done shall have full force and effect and if any difficulty shall arise in making, out revising or otherwise dealing with such lists and registers the Local Government Board may make such order as shall appear to them to be necessary to remove any such difficulty and to give effect to the provisions of this section and may vary so far as shall be requisite the provisions in force with regard to such lists and registers.

Petty
sessional
division and
coroners'
district.

24. The added area shall as from the thirty-first day of March one thousand eight hundred and ninety-seven be included in the Great Malvern petty sessional division of the county of Worcester until the quarter sessions of that county shall otherwise direct and shall be included in the middle coroner's district of that county subject to any alteration which may be made in that district.

Electoral
division.

25. Subject to the provisions of section 54 of the Local Government Act 1888 the added area shall as from the thirty-first day of March one thousand eight hundred and ninety-seven be included in the Great Malvern electoral division of the county of Worcester and the person who immediately prior to that day is the county councillor representing that division shall be deemed to represent that division as so altered as if he had been originally elected to represent the altered division.

County bye-
laws.

26. All byelaws made by the county council of Worcester which on the thirty-first day of March one thousand eight hundred and ninety-seven are in force in the county of Worcester shall from and after that date so long and so far as the same shall continue so in force be in force within and apply to the added area.

Adjustment
of questions
affecting
councils and
other autho-
rities.

27. Any councils and other authorities affected by this Act may agree generally for the division of property and an equitable adjustment of all financial relations and the settlement of all questions affecting such councils and authorities arising out of or consequent on the alterations of boundaries by this Act effected and in default of agreement on or before the thirty-first day of March one thousand eight hundred and ninety-seven the matter or matters not so agreed shall form the subject of adjustment under section 62 of the Local Government Act 1888.

Settlement
of paupers.

28. Every person who has acquired or who on or before the thirty-first day of March one thousand eight hundred and ninety-seven shall acquire a settlement in any existing parish affected by this Act shall be deemed to have acquired a settlement in the parish

comprising the area in which the acts or circumstances conferring such settlement shall have been done or occurred. If such acts or circumstances shall have been done or occurred in more than one parish such settlement shall be in the parish comprising the place of residence of such person at the time of acquiring such settlement.

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29. Any person who shall have acquired a status of irremovability from any existing parish affected by this Act shall be deemed to have acquired a status of irremovability from the parish comprising the area in which he shall reside at the thirty-first day of March one thousand eight hundred and ninety-seven or (if he shall then be in receipt of relief) from the parish comprising the area in which he was residing at the time of becoming chargeable.

Irremovability of paupers.

30. Notwithstanding the alteration in the areas of parishes effected by this Act all contribution orders made by the guardians of the poor of the Bromyard Union and all precepts made by the rural district council of Bromyard before the commencement of this Act shall be as valid in law as if this Act had not been passed.

Saving for contribution orders and precepts.

31.—(1.) The provisions of section 120 (excepting subsection (4) and the words "or in case of appeal by the Treasury" in subsection (6)) of the Local Government Act 1888 shall apply to any officer of the county councils of Worcester or Hereford as the case may be who by virtue of this Act or of anything done in pursuance or in consequence thereof shall suffer any such direct pecuniary loss as is in that section mentioned.

Compensation to officers.

(2.) Every officer other than an officer mentioned in subsection (1) of this section who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary shall be entitled to have compensation paid to him for such pecuniary loss and in determining such compensation regard shall be had to the conditions and other circumstances required by subsection (1) of section 120 of the Local Government Act 1888 to be considered in cases of compensation under that section and the compensation shall not exceed the limit therein mentioned.

A joint committee of the county councils of Worcester and Hereford shall determine to what local authority application shall be made for compensation and out of what fund such compensation if any shall be paid by such authority and the provisions of subsections (2) to (7) (excepting subsection (4) and the words "or in case of appeal by the Treasury" in subsection (6)) of the said section 120 shall apply with the substitution of such authority for

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A.D. 1896. the county council and with such other alterations if any as may be required.

Saving for ecclesiastical parishes and parochial charities.

32. Nothing in this Act shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment which immediately before the thirty-first day of March one thousand eight hundred and ninety-seven was applicable for the benefit of either of the then existing parishes of Mathon Urban or Cradley.

Saving for Local Government Board's powers as to areas of unions and parishes.

33. Nothing in this Act shall be construed as restricting the power of the Local Government Board under the Acts relating to the relief of the poor in regard to the alteration or dissolution of unions or in respect of the union or division or alteration of parishes or the number of guardians to be elected for any parish.

Existing registers of voters &c.

34. For the purposes of the lists and registers of persons entitled to vote at an election of members of Parliament of lists and registers of county and parochial electors and of jury lists the parishes of Mathon Urban and Cradley shall be deemed to continue unaltered until the new lists and registers come into operation.

Saving for voters at any parliamentary election.

35.—(1) Nothing in this Act shall alter the limits of any parliamentary county or the right of any person to be registered as a voter at any parliamentary election.

(2) For the purpose of making out and revising the lists of voters of conducting any parliamentary election of polling districts and assigning polling places and for all purposes of and incidental to such matters including the payment of expenses the added area shall be deemed to be part of the county of Hereford and the county council sheriff clerk of the peace and officers of that county shall have authority accordingly in the added area and the provisions of the Registration Act 1885 with respect to parliamentary counties extending into more county quarter sessional areas than one shall apply with the necessary modifications.

(3) Provided that the clerk of the peace of the county of Hereford shall supply such number of revised lists of voters in the added area received by him from the revising barrister to the clerk of the peace or other officer of the county of Worcester as he may require for the purpose of making up a register of county or parochial electors.

(4) The expressions "parliamentary county" and "parliamentary election" have in this section the same meaning as in the Registration Act 1885 and the Acts therein referred to.

WATER.

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36. The limits of this Act for the supply of water shall be the extended district together with the parishes of Colwall and Cradley in the county of Hereford and the parishes of Mathon Rural Leigh Madresfield and Newland in the county of Worcester. Water limits.

37. If at any time after the expiration of six years from the passing of this Act the District Council are not furnishing a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of such district not sufficiently supplied by the District Council as if in either case the District Council were not authorised by this Act to supply water therein. Power to local authority &c. to supply water in case Council fails to supply.

If any difference shall arise between the District Council and any such local authority company body or person as to the sufficiency of the supply of water in any part of such districts such difference shall be settled on the application of either party by the Local Government Board.

38. The water to be supplied by the District Council need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir tank or other work from which the supply shall be taken. Pressure.

39. Subject to the provisions of this Act the District Council may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and in over upon or under the lands delineated on the said plans and described in the deposited book of reference the waterworks shown on those plans together with all necessary drains pipes sluice-valves air-valves wash-outs junctions apparatus and other works and conveniences in connexion with or incidental to such waterworks and may enter upon take and use such of the lands delineated on the said plans and described in the said book of reference as may be required for that purpose. Power to make water-works &c.

The principal waterworks herein-before referred to are the following:—

Work No. 1 A storage reservoir (in this Act called “the Park Wood Reservoir”) to be situate partly in the parish of Colwall

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- in the county of Hereford and partly in the parish of Mathon Rural in the county of Worcester and to be formed by means of an embankment six and a half chains or thereabouts in length crossing the valley ;
- Work No. 2 A filter bed or filter beds and a covered pure water tank or tanks and a pumping station wholly in the parish of Colwall ;
- Work No. 3 A diversion of a road passing the building known as "the Purlieu" partly in the parish of Mathon Rural and partly in the parish of Colwall ;
- Work No. 4 A conduit or sewer to be situate wholly in the parish of Colwall ;
- Work No. 5 A conduit or line of pipes commencing in the parish of Mathon Urban and terminating in the parish of Colwall ;
- Work No. 6 A conduit catchwater drain or line of pipes commencing in the parish of Mathon Rural and terminating in the parish of Cradley ;
- Work No. 7 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 8 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 9 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 10 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 11 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 12 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 13 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 14 A conduit catchwater drain or line of pipes to be situate partly in the parish of Mathon Urban partly in the parish of Mathon Rural and partly in the parish of Colwall ;
- Work No. 16 A covered reservoir to be situate wholly in the parish of Mathon Urban ;
- Work No. 17 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 18 A conduit catchwater drain or line of pipes to be situate wholly in the parish of Mathon Urban ;
- Work No. 19 A covered reservoir to be situate wholly in the parish of Mathon Urban ;

Work No. 20 A conduit or line of pipes commencing in Work No. 2 in the parish of Colwall and terminating in Work No. 16 in the parish of Mathon Urban; A.D. 1896.

Work No. 21 A conduit or line of pipes to be situate wholly in the parish of Mathon Urban;

Work No. 22 A conduit or line of pipes to be situate wholly in the parish of Mathon Urban;

Work No. 23 A conduit or line of pipes (with branches therefrom to Work No. 2) commencing in the parish of Mathon Rural in Work No. 1 and terminating in the parish of Malvern Link in the lower public road leading from Malvern Link to West Malvern;

Work No. 24 A conduit or line of pipes commencing in the parish of Mathon Urban and terminating in the parish of Malvern Link.

40. Subject to the provisions of this Act the District Council in addition to the waterworks by the section of this Act whereof the marginal note is "Power to make waterworks &c." authorised may from time to time upon any lands acquired or to be acquired by them for waterworks purposes make and maintain all proper and necessary embankments bridges roads ways wells tanks basins gauges filters filter-beds dams sluices bye-washes waste weirs outfalls discharge pipes shafts adits tunnels catchwaters aqueducts culverts cuts channels conduits mains pipes stand-pipes junctions valves drains telegraphs telephones engines apparatus roads ways approaches buildings houses works and conveniences connected with the waterworks herein-before referred to or any of them or incidental thereto or necessary or convenient for conducting inspecting cleansing repairing or managing the same but nothing in this Act or the Waterworks Clauses Acts 1847 and 1863 shall give the District Council any power for the abstraction of underground waters by such workings for the purpose of their water supply or exonerate the District Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them under the powers of this enactment: Power to make subsidiary waterworks.

Provided that any telegraphs or telephones constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869.

41. Subject to the provisions of this Act the District Council may take intercept collect impound use divert and appropriate for the purposes of their water undertaking all waters from or to be met Power to take waters.

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A.D. 1896. — with upon or under the lands within the limits of deviation shown on the deposited plans and acquired by the District Council under the powers of this Act or which can or may be intercepted or abstracted by means of the waterworks by this Act authorised or any of them and particularly the stream flowing past the Purlieu aforesaid the Hayslade Spring or stream and the Dingle Spring or stream all which streams flow directly or indirectly into the Cradley Brook Leigh Brook River Teme River Severn and thence into the Bristol Channel.

Compensa-
tion water.

42.—(1) The District Council shall before and as a condition precedent to their taking appropriating and using for the supply of their district any of the waters of the stream flowing past the Purlieu and under the provisions of this Act to be led into the Park Wood Reservoir during every day deliver into the said stream at a point situate not more than one hundred yards from the foot of the outer slope of the embankment of the said Park Wood Reservoir not less than thirty per centum of the average daily flow of such stream to be measured at a point immediately above the said reservoir and the District Council during every day shall in like manner deliver into the Hayslade Stream at a point situate not more than one hundred yards from the Hayslade Spring not less than thirty per centum of the average daily flow of such stream to be measured at a point immediately above the covered reservoir (Work No. 16) by this Act authorised and such deliveries shall be as nearly as possible regular and continuous throughout each day.

(2) For the purpose of ascertaining the average daily flow of the said streams there shall be two arbitrators Baldwin Latham and William Robertson Copland or failing them or either of them some competent persons or person to be appointed instead of them or him by the President of the Institute of Civil Engineers and so from time to time and an umpire shall be appointed by the two arbitrators and in case they differ as to such appointment or if the person appointed shall die or refuse or become incapable to act an umpire shall be appointed by the said President and the said arbitrators and umpire are in this section referred to as the arbitrators.

(3) Immediately after the passing of this Act the arbitrators shall at the cost of the District Council including the reasonable fees and costs of the arbitrators cause to be placed and thenceforward maintained during the seven years next following the first day of January one thousand eight hundred and ninety-seven such number of self-recording stream gauges and in such position in the said streams as they shall think fit for determining the

average daily flow at the points mentioned in subsection (1) and within six months after the termination of the said seven years they shall determine the amount of the average daily flow of the said streams respectively. Provided that the arbitrators shall pending the expiration of the said period of seven years from time to time determine what shall be deemed to be average daily flow.

(4) Until the embankment of the Park Wood Reservoir is commenced a gauge shall be placed at a point immediately above the point to which the foot of the inner slope of the embankment would reach.

(5) The average daily flow shall be determined by the arbitrators after taking into consideration all the circumstances of the case.

(6) The District Council shall provide and at all times maintain suitable gauge weirs for measuring the quantity of water to be delivered in pursuance of this section.

(7) The gauge weirs shall at all reasonable times be open to the inspection and examination of any riparian owner on the said streams or his servant or agent duly authorised in writing.

(8) If at any time the said gauge weirs be out of repair or in an unfit condition for the purpose for which they are intended the District Council shall forthwith put the same in fit repair and condition.

(9) If at any time the said gauge or gauges shall be in an unfit state of repair or condition for the purposes for which it or they is or are intended the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the District Council or if they fail so to do within twenty-eight days after notice given to them by any of the persons interested in the flow of the said stream requiring them so to do then any such person may cause the said gauge or gauges to be placed in fit repair and condition and may recover the expense of so doing with full costs of suit against the District Council in any court of competent jurisdiction without prejudice to the daily penalties.

(10) The provisions of this section shall be accepted and taken by all persons interested in the waters of the Purlieu and Hayslade Streams as full compensation for the waters which can be taken appropriated and used by or by means of the works by this Act authorised or any of them.

(11) If the District Council makes default in permitting to flow into the said streams the quantity of water in this section provided they shall be liable to a penalty not exceeding five pounds for every day or part of a day during which such default shall continue such

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penalty to be recovered summarily by the persons interested in the waters of the Purlieu and Hayslade Streams with full costs of suit.

For the protection of the owners &c. of the Royal Well Brewery and the Royal Well Mineral Water Factory.

43. For the benefit and protection of the owners lessees and occupiers for the time being of the premises respectively known as the Royal Well Brewery described in a lease dated the twelfth day of March one thousand eight hundred and seventy-eight and made between William Hawkes Ryland of the one part and the said William Hawkes Ryland and Arthur Bennett of the other part and as the Royal Well Mineral Water Factory described in a lease dated the sixth day of April one thousand eight hundred and eighty-seven and made between Edward Haseler Willson and William Morse of the first part William Hawkes Ryland of the second part and Edward Salmon of the third part the following provisions shall have effect except so far as otherwise agreed in writing between the District Council and such owners lessees and occupiers:—

- (1) The District Council shall so construct and maintain the works by this Act authorised that they shall not abstract intercept or interfere with any water from off or under any part of the said brewery premises or mineral water premises and shall not hereafter at any time construct or use any works capable of abstracting intercepting or interfering with any water from off or under any of such premises or except as herein-after in this section provided receive into any of their waterworks or use for any of the purposes of their water undertaking any water abstracted from off or under any of such premises :
- (2) The occupiers for the time being of the aforesaid premises respectively shall from time to time at the cost of the District Council execute all such works as may be reasonably required by them for preventing unnecessary waste of water on or in connexion with any trade or business for the time being carried on upon such premises and for securing to the District Council the overflow of all water from the sources from which such premises are now supplied with water and not required for the purposes of such trade or business or for use or consumption in connexion with such premises and without prejudice to such trade or business for preventing any pollution or discolouration of such surplus water Provided that the District Council shall be at liberty themselves to execute any such works as they might as aforesaid require the said occupiers to execute and for such purpose shall be at liberty at such time or times as shall be convenient to such occupiers and

A.D. 1896.

after having given to such occupiers not less than forty-eight hours' previous notice in writing to enter upon such premises and under the supervision of the said occupiers to execute such works. Provided however that any works so executed by the District Council shall be executed with all reasonable despatch and so as not to diminish or injuriously affect the supply of water for the time being required for any trade or business carried on upon such premises or required for use or consumption in connexion with such premises and that all damage caused by the execution by the District Council of such works shall be made good by the District Council:

(3) The District Council shall indemnify the lessees and occupiers for the time being of the aforesaid premises for against and in respect of all claims demands or actions which shall be made or instituted by any person or persons against such lessees or occupiers or any of them for or on account or in respect of anything made done or occasioned or suffered to be done by such lessees or occupiers or any of them or by the District Council under and in pursuance of this section:

(4) Nothing in this section shall affect the rights reserved to the lessors by the said lease of the sixth day of April one thousand eight hundred and eighty-seven with reference to the supply of water to adjoining property and to the well or fountain open to the highway therein mentioned.

44.—(1) In the construction of the works by this Act authorised the District Council shall not in any manner interfere with the Royal Well Fountain or diminish the flow of water therefrom and will provide facilities for enabling the inhabitants of the parish of Colwall to obtain water from the Hayslade Stream through a spout or tap to be placed not less than four feet above the level of the road leading from West Malvern to the Wyche Cutting at or near the water trough adjoining the Hayslade Spring and from which the said inhabitants of the parish of Colwall have hitherto lawfully obtained a free supply of water such supply of water to be not less than two gallons per minute.

For the
protection
of the parish
of Colwall.

(2) The District Council shall within six months after demand made to them by the sanitary authority of the parish of Colwall (herein-after called "the sanitary authority") lay down and maintain at their own expense mains pipes stand-pipes meters and other necessary works within the said parish where required by the sanitary authority for the purpose of supplying water by meter for such public and other purposes other than domestic supply as the sanitary authority may deem desirable and shall supply accordingly at a

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price not exceeding one shilling per one thousand gallons in consideration unless otherwise agreed of an annual payment by the sanitary authority equal to five per cent. upon the amount of capital expended in respect of the original cost of laying down such mains within the said parish as may be necessary for the purposes of such supply and such amount shall be payable until the sanitary authority shall have purchased the mains pipes standpipes meters and other works under the provisions of section 84 of this Act.

(3) The District Council shall so soon as they are by means of the works by this Act authorised in a position to supply water within their district give a supply of water for domestic purposes in and throughout the parish of Colwall in accordance with this Act and the Acts incorporated therewith and the said parish shall subject to a sufficient supply being given within the district have at all times a right of supply of not exceeding twenty gallons per head per day for the population of such parish in priority to any other parish within the water limits.

District
Council not
to take Lime-
kiln Spring.

45. Notwithstanding anything contained in this Act or shown on the deposited plans the District Council shall make and maintain the waterworks shown on the deposited plans in such manner as shall prevent them from taking or using for the purposes of this Act any waters now flowing into or at the passing of this Act accustomed to flow into the stream flowing past the Purlieu from the Limekiln Spring or any other spring within the limits of deviation situate below the embankment of the Park Wood Reservoir as shown on the deposited plans.

Council to
provide
drinking
trough.

46. The District Council shall provide and supply with water a drinking fountain and cattle trough to be fixed in convenient positions within the Dingle.

For the pro-
tection of
Lady
Howard de
Walden.

47. In the exercise of any of the powers of this Act relating to the execution or maintenance of works the District Council shall not in any way injure the tanks pipes works or conveniences now in the use or enjoyment of the Right Honourable Lucy Joan Scott Dowager Baroness Howard de Walden and Seaford (herein-after called "Lady Howard de Walden") or any tanks pipes works or conveniences which may be substituted in place thereof nor obstruct or interfere with the supply of water enjoyed by Lady Howard de Walden to her mansion house known as St. James' House in the parish of West Malvern and lands adjoining thereto and this provision shall run with the said mansion house and lands and the owner or owners for the time being of the said mansion house and lands shall have the benefit thereof.

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48. The owner or owners for the time being of the Barton Court Estate and the Hoe Court Estate their families visitors and other persons having the written authority of such owner or owners shall have the right of fowling shooting and sporting over the Park Wood Reservoir and any other land acquired by the District Council for the purposes of such reservoir under the authority of this Act from such owner or owners but so that the exercise of such rights shall not injure the embankments walls or sluices of the Park Wood Reservoir or any of the works of the District Council or pollute the waters of the Park Wood Reservoir and the said owner or owners shall have the right without prejudice to a similar right on the part of the District Council of protecting the said reservoir works and lands from trespass by all lawful means but save as aforesaid nothing herein contained shall be held to take away or diminish any of the rights powers and authorities conferred on the District Council by this Act in respect of the said reservoir works and lands.

A.D. 1896.
—
Reservation
of sporting
rights.

49. Notwithstanding anything in this Act contained the District Council shall not acquire under the authority of this Act any greater quantity in the aggregate than two and a half acres of any lands subject for the time being to the provisions of the Malvern Hills Act 1884.

For pro-
tection of
Malvern
Hills.

The District Council shall not on any of the lands to be so acquired sink any well or construct any works whatever for the purpose of abstracting underground water but nothing herein contained shall be construed so as to prevent the construction and maintenance of the catchwater drains conduits and lines of pipes shown on the deposited plans and the taking and impounding of any water which can be intercepted thereby and the District Council shall not acquire for the purposes of the catchwater drains and conduits or lines of pipes by this Act authorised to be constructed any part of the Malvern Hills subject for the time being to the provisions of the Malvern Hills Act 1884 but where any of the said catchwater drains conduits or lines of pipes are to be laid and made in upon or under such lands the District Council may acquire an easement only or right of laying making and maintaining the same.

50. The District Council in constructing the works by this Act authorised may make deviations from the lines of such works but not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits and they may also deviate from the levels delineated on the

Lateral and
vertical
deviation.

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A.D. 1896. deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of other works five feet upwards and five feet downwards Provided that the District Council shall not in the exercise of the powers of lateral deviation hereby given make any embankment or retaining wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition. Provided that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground except so far as is shown on the deposited sections.

On completion of diverted portion of road site of existing road so far superseded to vest in District Council.

51. So soon as the road diversion by this Act authorised is made and ready for traffic and certified by two justices of the counties of Worcester and Hereford respectively as in this Act provided the District Council may stop up and extinguish all rights of way over the portion of the said existing road between the points of the commencement and termination of the said diversion thereof and they may appropriate for the purposes of this Act the site of so much of the said road so stopped up and diverted as may be bounded on both sides by lands of the District Council.

Maintenance of diverted road.

52. Immediately upon the completion of the said road diversion the District Council shall make applications to two justices of each of the counties of Worcester and Hereford to certify as to the completion of the same so far as in the said counties respectively. The said diverted portion of road when its completion is so certified (of which completion the certificates of the said justices respectively shall be conclusive evidence) shall become and the same shall thenceforth be part of the said road and shall be upheld and maintained by the District Council for a period of twelve months after the respective dates of the said certificates of completion and subsequently by the owners of the lands through which the said diverted portion of road shall pass.

Period for compulsory purchase of lands.

53. The powers of the District Council for the compulsory purchase of lands for any of the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to acquire additional lands.

54. The District Council may from time to time for the purposes of their water undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may take under the powers of this Act any lands not exceeding in the whole ten acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) but the

District Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

A.D. 1896.

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

Power to take easements &c. by agreement.

56. The District Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachments or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the District Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to hold lands for protection of waterworks.

57. The District Council shall not permanently acquire any greater estate or interest in or over the common lands known as Malvern Hills shown on the deposited plans than a right or easement of using so much thereof as may be required for constructing the works by this Act authorised and any filter beds adjacent thereto and laying down and maintaining the conduits or lines of pipes herein-before described across and under such common lands in manner shown on the said plans and the District Council may purchase and the owners of and other persons interested in such lands shall sell to the District Council such right or easement and the provisions of the Lands Clauses Acts with respect to the purchase of lands shall extend and apply to the purchase of such right or easement.

Easement only to be acquired in portion of common land.

58. Notwithstanding anything in this Act contained the District Council in constructing the service reservoirs by this Act authorised shall not deviate upwards from the levels shown on the deposited sections and shall restore the surface of the ground near and over the

For protection of common lands.

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A.D. 1896. service reservoirs and shall during the construction thereof properly guard all temporary excavations so as to prevent accidents to the public using the common lands All works on the said common lands shall be completed and except any filter beds covered and turfed over and the surface restored within eighteen months after such works are respectively commenced.

Power to sell
&c. lands.

59. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the District Council may from time to time sell and dispose of any lands acquired by them under this Act and not for the time being required for the purposes of their water undertaking.

As to lands
subject to
Malvern
Hills Act
1884.

60. Any land subject for the time being to the provisions of the Malvern Hills Act 1884 which may under the provisions of this Act be acquired by the District Council and may not be required for the purposes of this Act shall in whomsoever the same may vest or to whomsoever the same may be sold leased or exchanged or otherwise disposed of from the date of such vesting sale lease exchange or disposal again become and remain subject to such of the provisions of the said Malvern Hills Act 1884 as such land was subject to at the time of the passing of this Act.

Application
of moneys
from sale &c.
of lands.

61. The District Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the District Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided also that the borrowing powers of the District Council under this Act shall be reduced to the extent of any amount so paid off.

Reservation
of water
rights &c.
on sale.

62. The District Council on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious

trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. A.D. 1896.

63. The District Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

64. If the works shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the District Council for executing such work or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the District Council from renewing extending enlarging altering reconstructing or removing any of their tanks gauges drains sluices catchpits conduits culverts valves wash-outs bye-washes engines pumps machinery apparatus filter-beds mains pipes or other works or plant at any time and from time to time as occasion may require. Period for completion of works.

65. Subject to the provisions of this Act the District Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house within the water limits entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding the following rates (that is to say):— Rates for domestic supply.

- (1) Where the rateable value of the premises supplied does not exceed five pounds then not exceeding the rate of two pence per week ;
- (2) Where the rateable value of the premises supplied does exceed five pounds then not exceeding the rate of ten per centum per annum upon such rateable value.

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A.D. 1896. The water rent shall be paid by the owner or occupier requesting the supply of water.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices. A supply of water for domestic purposes shall not include a supply for a swimming bath.

Rates for
waterclosets
and baths.

66. In addition to the foregoing charges the District Council may in case there shall be more than one watercloset or there shall be a bath or baths (of a capacity not exceeding fifty gallons) in any dwelling-house or part of a dwelling-house charge in respect of every watercloset therein beyond the first (for which no additional charge shall be made) any sum not exceeding ten shillings per annum which the District Council may fix and in respect of every bath (not being a swimming bath) therein any sum not exceeding fifteen shillings per annum which the District Council may fix such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Water rate
payable by
owner for
small houses.

67. Where the rateable value of a house supplied with water does not exceed ten pounds or a house so supplied is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Incoming
tenant not
to be liable
for arrears
of water rate
except by
agreement.

68. If any water consumer leave the premises to which water has been supplied without paying to the District Council the water rate or charges due from him the District Council shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the District Council or with the defaulting consumer to pay the arrears but the District Council shall supply water

to the incoming tenant upon the terms and conditions prescribed by this Act if required by him so to do: A.D. 1896.

69. The District Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. Provided that the District Council shall not be entitled to charge for water supplied by measure under this section a higher price than two shillings per thousand gallons. Supply to houses partly used for trade &c.

70. For preventing waste misuse undue consumption or contamination of the water of the District Council the following provisions shall have effect (that is to say):— Byelaws for preventing waste &c. of water.

- (1) The District Council may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature, materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans urinals waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination:
- (2) Such byelaws shall apply only in the case of premises to which the District Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and all byelaws made by the District Council under this section shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875:
- (3) A copy of all such byelaws in force for the time being shall be kept at the office of the District Council and all persons may at all reasonable times inspect such copy without payment and the District Council shall cause to be delivered a printed copy of all such byelaws for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy:
- (4) A printed copy of any such byelaws dated and purporting to have been made as aforesaid and to be sealed with the seal of the District Council and to have been confirmed by the Local

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Government Board shall be evidence until the contrary be proved in all legal proceedings of the due making confirmation publication and existence of such byelaws without further or other proof :

(5) In case of failure of any person to observe such byelaws as are for the time being in force the District Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter cock ferrule valve soil-pan urinal watercloset bath tank cistern or other apparatus fitting means contrivance receptacle or appliance belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the District Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable :

(6) The District Council may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes meters cocks ferrules valves soil-pans urinals waterclosets baths tanks cisterns or other apparatus fittings means contrivances receptacles or appliances as are required or permitted by their byelaws and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the District Council in providing such materials and executing such work shall be paid by the person requiring the same.

Detection of
waste.

71. Subject to the provisions of this Act the District Council may for the purpose of preventing and detecting waste from time to time affix and maintain meters and similar apparatus on the service pipes and mains of the District Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may from time to time for that purpose break up and interfere temporarily with public and private streets roads lanes footways thoroughfares tramways and gas or water pipes.

Supply of
water for
other than
domestic
purposes by
measure.

72. The District Council may supply water for swimming baths and for purposes other than domestic purposes on such terms and conditions as the District Council think fit and may by agreement with any consumer supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates due to the District Council Provided that no person shall be

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entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes within the district. Provided also that the District Council shall not be entitled to charge for water supplied by measure under this section a higher price than two shillings per thousand gallons. A.D. 1896.

73. The District Council may charge for the hire and use of meters for ascertaining the quantity of water consumed or supplied and of water fittings such rents or sums of money as may from time to time be agreed upon between the hirer and the District Council and the rent of meters let for hire shall be recoverable in the same manner as water rates due to the District Council. Power to charge for meter and water fittings.

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

75. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the District Council. Provided that if the District Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be *primâ facie* evidence.

76. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the District Council or fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the District Council shall (without prejudice to any other right or remedy for the protection of the District Council or the punishment of the offender) for every such offence forfeit and pay to the District Injuring meters &c.

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A.D. 1896. Council a sum not exceeding five pounds and the District Council may in addition thereto recover the amount of any damage by them sustained and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the District Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Entry on premises to cut off pipes after notice given.

77. In all cases in which any premises which shall have been supplied with water by the District Council shall have become unoccupied the District Council their agents and workmen (after giving notice as hereafter provided) may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the District Council shall be conveyed to such premises and may remove any pipe meter fittings or apparatus the property of the District Council.

Notice before entry.

78. The notice to be given by the District Council previously to making any entry authorised by this Act shall be in writing and shall be given or served in manner following (that is to say) :—

If such premises be occupied then by leaving the notice thereat or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof and his usual place of abode be in Great Britain and be known to the District Council then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours or by sending the same by post in a registered letter addressed to him at his usual place of abode forty-eight hours at least previously to such entry ;

If such premises be unoccupied and the owner thereof or his usual place of abode be not in Great Britain or be not known to the District Council after due inquiry then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry :

And for the purposes of this section any person receiving the rack rents of any such premises either on his account or as agent for any other person shall be deemed the owner of such premises.

District Council not bound to

79. The District Council shall not be bound to supply more than one house by means of the same communication pipe and they may

if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

supply
several
houses by
one pipe.

80. A notice to the District Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent in a prepaid letter to the office of the District Council.

Notice of
discontinu-
ance.

81. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the District Council to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Misuse
where supply
to several
houses is by
a pipe com-
mon to all.

82. The District Council from time to time when and as they think it expedient may put up and continue and from time to time remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the district as the District Council think fit but not against any private dwelling-house warehouse counting-house or shop except with the consent of the owner and occupier thereof or against any public building unless the building shall be the property of the District Council.

Public
drinking
fountains.

83. It shall be lawful for the District Council to supply water by agreement in bulk or otherwise and for domestic or other purposes to any local authority company or person on such terms and conditions in all respects and for such periods as the District Council and such local authority company or person may from time to time agree :

Power to
supply water
in bulk.

Provided that nothing in this section shall authorise the District Council to supply or to continue to supply water within or for use within the limits of supply of any local authority company or person except with the consent of such authority company or person nor shall the District Council supply water under any such agreement if and so long as the affording of such supply would prevent the District Council giving a full and sufficient supply for domestic purposes within the limits of this Act.

84. If at any time after the passing of this Act any local authority whose district is beyond the district but wholly or partially within the limits of the District Council for the supply of water shall give not less than six months' notice in writing to the District Council of their desire to purchase such portion of the waterworks and plant of the District Council as is contained

Provision
for sale of
portion of
waterworks
and plant to
other local
authorities.

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A.D. 1896. — within any part of the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the District Council (except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the District Council for the supply of water) and to supply water within such part of such district then it shall not be lawful for the District Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the District Council shall sell and such local authority shall purchase the portion of the waterworks and plant of the District Council (except as aforesaid) within such part of the district of such local authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the District Council shall apply the proceeds of any sale under this section in discharge of money borrowed under this Act for waterworks purposes. Provided that after the completion of such purchase all obligations on the part of the District Council to supply water within such part of such district shall cease and determine.

FINANCIAL.

District Council to levy one uniform rate.

85. Notwithstanding anything contained to the contrary in the County of Worcester (Malvern Link) Confirmation Order 1890 and the county of Worcester (Malvern Link) Confirmation Order 1891 the District Council may throughout the extended district from and after the thirty-first day of March one thousand eight hundred and ninety-seven levy and recover for the purpose of meeting all the expenditure of the District Council (including the payment of interest on and repayment of borrowed money) one uniform general district rate in accordance with the provisions of the Public Health Act 1875.

Power to borrow.

86.—(1) The District Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts (when specified) following (that is to say) :—

- (A) For the purchase of lands for and for the construction of the works by this Act authorised the sum of fifty thousand pounds ;
- (B) For paying the costs charges and expenses of this Act as herein-after provided the sum requisite for that purpose ;

and with the approval of the Local Government Board such further moneys as the District Council may require for any of the purposes of this Act or otherwise in relation to the water undertaking of the District Council.

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(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the District Council may mortgage or charge the district fund and general district rate and in addition thereto they may mortgage or charge as regards the purpose (A) the revenue of the water undertaking of the District Council.

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

Inquiries by Local Government Board.

(2) The District Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

88. The District Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another.

Mode of raising money.

89. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the District Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Certain regulations of Public Health Act as to borrowing not to apply.

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

Provisions of Public Health Act as to mortgages to apply.

Section 236. Form of mortgage;

Section 237. Register of mortgages;

Section 238. Transfer of mortgages;

Section 239. Receiver may be appointed in certain cases.

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Periods for
payment off
of money
borrowed.

91. The District Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to moneys borrowed for the purpose (A) herein-before mentioned within the limit there prescribed sixty years from the date or dates of the borrowing of the same ;

As to moneys borrowed for the purpose (B) herein-before mentioned ten years from the date or dates of the borrowing of the same ;

As to moneys borrowed with the approval of the Local Government Board such period as they may think fit to sanction.

Mode of
payment off
of money
borrowed.

92. The District Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided that it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund until the expiration of one year from the date of borrowing the same.

Regulations
as to sinking
fund.

93. If the District Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :—

The District Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security within the prescribed period :

Provided as follows (that is to say) :—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the District Council and any such investments may be from time to time varied or transposed Provided that if in any year the income arising

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from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund;

- (B) The District Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based. Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the District Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

94. The clerk to the District Council 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 any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes 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 thereof 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 the clerk shall be liable to a penalty not exceeding twenty

Annual
return to
Local Go-
vernment
Board with
respect to
sinking fund.

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pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner. If it appear to the Local Government Board by such return or otherwise that the District Council have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may 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 the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to re-borrow.

95. If the District Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the District Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

District Council not to regard trusts.

96. The District Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the District Council shall from time to time be a sufficient discharge to the District Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the District Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the District Council shall not be bound to see to the application of the money paid on any such receipt or

be answerable or accountable for any loss misapplication or non-application of any such money.

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

Protection of lender from inquiry.

98. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the District Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Saving for existing charges.

99. All moneys borrowed by the District Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable.

Application of borrowed moneys.

100. Section 58 of the Local Government Act 1894 shall apply to the accounts of the District Council and their committees and officers under this Act and to the audit of such accounts.

Audit of accounts.

101. The District Council shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

Application of water revenue.

Firstly. In payment of the working and establishment expenses and cost of maintenance of their water undertaking ;

Secondly. In payment of the interest on moneys borrowed by the District Council under this Act for the purposes of their water undertaking ;

Thirdly. In providing the requisite instalments appropriations annual repayments or sinking funds under this Act in respect of moneys borrowed by the District Council for the purposes of their water undertaking ;

Fourthly. In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the

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resulting income thereof in Government securities or any securities in which trustees are or may be authorised to invest trust moneys (except securities of the District Council and securities transferable by delivery) and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the District Council from their water undertaking or to meet any extraordinary claim or demand at any time arising against the District Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens :

And the District Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the District Council be required for carrying on their water undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to two thousand pounds.

As to
deficiency in
receipts.

102. Any deficiency in the revenues or receipts of the District Council on account of their water undertaking shall be from time to time made good out of the district fund and the next general district rate to be made by the District Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Expenses of
execution of
Act.

103. All expenses incurred by the District Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

MISCELLANEOUS.

Authentica-
tion of
notices.

104. When any summons demand or other document under this Act (except a conveyance contract or security) requires authentication by the District Council the signature thereof by their clerk shall be a sufficient authentication.

Several
sums in one
summons.

105. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

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106. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate under this Act.

Liability to water rate not to disqualify justices &c. from acting.

107. No person entering into any contract with the District Council for the supply of water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member of the District Council or incur any penalty by reason of such contract but any member of the District Council concerned directly or indirectly by himself or any partner in any such contract shall not take part in any vote or proceeding relative thereto at any meeting of the District Council.

Contracts for water not to disqualify.

108. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the District Council primarily out of the general district rate but ultimately out of moneys borrowed under the authority of this Act.

Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

The district as extended shall include within its boundaries as shown on the district and county plan the existing district and that part of the parish of Cradley which is bounded on the eastern and southern sides thereof by the boundary between the counties of Worcester and Hereford on the western side thereof by a watercourse flowing in a north-easterly and then in a northerly direction and called Whippet's Brook and on the northern side thereof by the said watercourse flowing in an easterly direction until it reaches a road called Cowleigh Road and thence by the northern boundary of the said Cowleigh Road as far as the north-eastern corner of the field numbered 1253 on the twenty-five inch Ordnance map of the parish of Cradley thence by an imaginary line crossing the said Cowleigh Road in a northerly direction to the south-western corner of the field numbered 1259 on the said map thence by the western and north western boundaries of the said field numbered 1259 and of the fields numbered 1260 and 1258 on the said map as far as the said county boundary.

Printed by EYRE and SPOTTISWOODE,

FOR

£ T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased; either directly or through any Bookseller, from
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