



### CHAPTER clxiv.

An Act to authorise the Urban District Council of Newtown and Llanllwchaiarn to purchase the undertaking of the Newtown Waterworks Company and for other purposes. A.D. 1898.  
[25th July 1898.]

**W**HEREAS the district of Newtown and Llanllwchaiarn in the county of Montgomery is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Newtown and Llanllwchaiarn Urban District Council (herein-after called "the Council"):

And whereas the Newtown Waterworks Company (in this Act called "the Company") under and by virtue of the Newtown Waterworks Act 1872 have constructed waterworks and are authorised to supply with water the parishes and places of Newtown Southern Division Newtown Upper Division Newtown Lower Division Moughtre Kerry Gartheilin Graig Newtown Streets Hendidley Gwestydd and Llanllwchaiarn all in the county of Montgomery:

And whereas it is expedient that the water supply of the district should be under the control of the Council and that the undertaking of the Company should be transferred to and vested in the Council in manner provided by this Act:

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

And whereas estimates have been prepared by the Council showing that they may require to borrow sums of money for or in connexion with the purchase of the waterworks and other the undertaking of the Company being permanent works within the meaning of section 234 of the Public Health Act 1875 and it is expedient that the Council should be empowered to borrow money for those purposes:

And whereas an absolute majority of the whole number of the Council at a meeting held on the fourth day of November one thousand eight hundred and ninety-seven after ten clear days' notice

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by public advertisement of such meeting and of the purpose thereof in the Montgomeryshire Express and Radnor Times a local newspaper published and 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 district fund and general district rate of the district:

And whereas such resolution was published twice in the said Montgomeryshire Express and Radnor Times and has received the approval of the Local Government Board:

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 Council at a further special meeting held in pursuance of a similar notice on the third day of February one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

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

#### PRELIMINARY.

Short title.

1. This Act may be cited as the Newtown Water Act 1898.

Incorporation of Acts.

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

The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845):

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts) but that Act shall be read and have effect as if the words "with the consent" "in writing of the owner or reputed owner of any such" "house or of the agent of such owner" were omitted from section 44:

The Waterworks Clauses Act 1863.

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

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Interpreta-  
tion.

“The undertakers” or “the Company” means the Council; And in this Act unless the context otherwise requires—

“The district” means the urban district of Newtown and Llanllwchaiarn;

“The Council” means the urban district council of the urban district of Newtown and Llanllwchaiarn;

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

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

“The Company” means the Newtown Waterworks Company;

“The Company’s Act” means the Newtown Waterworks Act 1872;

“The undertaking of the Company” means the undertaking authorised by the Company’s Act.

4. This Act shall be carried into execution by the Council.

Execution of  
Act.

5. The limits of this Act shall be the parishes and places of Newtown Southern Division Newtown Upper Division Newtown Lower Division Moughtre Kerry Gartheilin Graig Newtown Streets Hendidley Gwestydd and Llanllwchaiarn all in the county of Montgomery. Provided that until the transfer of the undertaking of the Company to the Council nothing in this Act shall authorise the Council to supply water within any part of the said limits.

Limits of  
Act.

#### PURCHASE OF WATER UNDERTAKING.

6.—(1) The Company shall sell and the Council shall purchase the undertaking of the Company for such consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Company and the Council or as failing such agreement

Company to  
sell their  
undertaking  
to Council.

A.D. 1898. shall be determined by arbitration in manner provided by the Lands Clauses Acts.

(2) The Council shall give notice to treat for the purchase of the undertaking of the Company not later than six months from the passing of this Act.

(3) In addition to the sums to be paid by the Council to the Company under the foregoing provisions of this section the Council shall on or before the expiration of three months from the passing of this Act pay to the Company the sum of three hundred pounds towards the costs and expenses incurred by them in opposing the Bill for this Act and of and incident to the winding up of the Company and shall also pay to Edward Jones the present secretary and manager of the Company as compensation in respect of any loss of office or diminution of salary or income he may sustain an amount equal to two years' salary and the said Edward Jones shall not lose his right to such compensation by reason of his declining to continue in the service of the Council.

Receipt for  
purchase-  
money.

7. The receipt in writing of three directors of the Company for any money paid to the Company by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said bank for the money which shall have the same effect as the receipt of such three directors.

Transfer.

8.—(1) On payment by the Council of the amount of purchase-money under the provisions of this Act the Company's undertaking with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject to the provisions of this Act and free as between the Company and the Council from all debts and liabilities affecting the same due from or payable by the Company up to the time of such transfer and such transfer and vesting is in this Act referred to as "the transfer."

(2) The production of a Queen's Printers' copy of this Act duly stamped together with a receipt for the purchase-money purporting to be signed by three directors of the Company or by the cashier of the Bank of England shall (unless it be proved that such purchase-money has not been paid) be conclusive evidence in all courts and

proceedings of the transfer to and vesting in the Council of the Company's undertaking. A.D. 1898.

9. If at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against or in favour of the Council as and when it might have been continued prosecuted and enforced against or in favour of the Company if this Act had not been passed but not further or otherwise.

Pending actions.

10. All agreements contracts conveyances deeds and other instruments affecting the Company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Council and may be enforced as fully and effectually as if instead of the Company the Council had been a party thereto.

Contracts of Company to be binding on Council.

11. The Company shall hold the purchase-money paid to them by the Council under this Act in trust to pay apply and distribute the same amongst the shareholders and stockholders in the Company according to the amount of the maximum dividend payable to each shareholder or stockholder and for the purpose of such distribution the several persons whose names shall appear in the books of the Company at the date of the transfer to be the proprietors of shares or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders or stockholders of the Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share stock or interest in respect whereof that money is paid.

Application of purchase-money.

12. Where the directors of the Company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase-money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the County Court of Montgomeryshire holden at Newtown under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the Company

Payment into court by directors.

A.D. 1898. — and directors from all further liability with respect to the money so paid.

Winding-up  
and dissolution  
of  
Company.

**13.** So soon as conveniently may be after the transfer the affairs of the Company shall be wound up and for that purpose the directors of the Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the distribution of the purchase-money and for winding up the affairs of the Company and when and so soon as such moneys have been distributed and their affairs have been wound up the Company shall be by virtue of this Act dissolved.

If the number of directors of the Company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors shall from time to time choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

Company's  
debts to be  
paid and  
received by  
them.

**14.** All debts rents charges and sums of money including the mortgage debt of the Company which at the time of transfer are due or owing to or from the Company shall be paid discharged settled and satisfied or received by the Company.

Books &c.  
to remain  
evidence.

**15.** All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same or the like matter for or against the Council.

Maintenance  
of under-  
taking by  
Company  
till transfer.

**16.** Until the transfer the undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business but the Company shall not without the previous consent of the Council under the hand of the clerk to the Council make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Repeal of  
Company's  
Act.

**17.** The Company's Act shall as from the transfer be repealed except so far as may be necessary to give effect to the provisions of this Act.

Maintenance  
of water-  
works.

**18.** The Council may from time to time maintain renew extend and repair the reservoirs mains pipes and other waterworks transferred or for the time being belonging to them by virtue of this Act and may use and employ the same for the purpose of taking intercepting and impounding any water that can be thereby taken intercepted or impounded and may take any water which might have been taken intercepted or impounded by the Company if this Act had not been passed and may sell and supply water in accordance with the provisions of this Act.

**19.** The Council may for any of the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres but the Council shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks. A.D. 1898.  
Power to take additional lands by agreement.

**20.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as 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.

**21.** The Council on selling any lands acquired by them 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. Reservation of water rights &c. on sale.

**22.** The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of preventing the fouling of any water which they are authorised to take or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Council shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks. Power to hold lands for protection of works.

**23.** The Council shall not under the powers of this Act take 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 Restriction on taking houses of labouring class.

A.D. 1898. — more houses which were not so occupied on the said fifteenth day of December but which have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means mechanics artizans 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 such persons who may be residing with them.

Rates for  
supply of  
water for  
domestic  
purposes.

**24.** The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say):—

Where the rateable value of the premises so supplied with water does not exceed five pounds the sum of eight shillings and eightpence ;

Where such rateable value exceeds five pounds and does not exceed ten pounds the sum of sixteen shillings ;

Where such rateable value exceeds ten pounds and does not exceed thirty pounds the rate of eight pounds per centum upon such rateable value ;

Where such rateable value exceeds thirty pounds and does not exceed sixty pounds the sum of forty-eight shillings and in addition the rate of six pounds per centum upon such rateable value in excess of thirty pounds ;

Where such rateable value exceeds sixty pounds and does not exceed one hundred pounds the sum of eighty-four shillings and in addition the rate of four pounds ten shillings per centum upon such rateable value in excess of sixty pounds ;

Where such rateable value exceeds one hundred pounds the sum of six pounds and in addition the rate of four pounds per centum upon such rateable value in excess of one hundred pounds :

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 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 a court of summary jurisdiction.

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**25.** In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of this Act a sum not exceeding seven shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Rates for waterclosets and baths.

**26.** The Council shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Council nor any bath which shall be capable of containing when filled for use more than fifty gallons of water.

Council not to be compelled to supply certain closets or baths.

**27.** Water supplied under this Act need not be supplied in any case at a level above that at which water can be supplied by gravitation from the reservoirs of the Council nor need the water be constantly laid on under pressure in accordance with section 35 of the Waterworks Clauses Act 1847 until the expiration of two years from the transfer.

Constant pressure.

**28.** Where the rateable value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall 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.

Rate payable by owners for small houses.

**29.** The 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.

Supply to houses partly used for trade &amp;c.

**30.** The 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.

Council not bound to supply several houses by one pipe.

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Where  
several  
houses  
supplied by  
one pipe  
each to pay.

**31.** Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Council by a distinct pipe Provided that the Council shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house.

Notice of dis-  
continuance.

**32.** A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the office of the Council.

Byelaws for  
preventing  
waste &c. of  
water.

**33.** For preventing waste misuse undue consumption or contamination of the water of the Council the following provisions shall have effect (that is to say) :—

- (1) The Council may 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 nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans 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 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 Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and 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 shall apply to all byelaws so made :
- (3) In case of failure of any person to observe such byelaws as are for the time being in force the 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 valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances 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 Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable. A.D. 1898.

**34.** The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may 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 rates due to the Council for water. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Provided also that the price to be charged shall not exceed one shilling and sixpence per thousand gallons with a minimum payment of seven shillings and sixpence per quarter. Supply of water for other than domestic purposes and by measure.

**35.** The Council may sell and dispose of meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the Council of such meters and fittings as may from time to time be agreed upon between the hirer and the Council and the rent of meters let for hire shall be recoverable in the same manner as rates due to the Council for water. Power to sell or let meters.

**36.** Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the 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 any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to Council of connecting or disconnecting meters.

**37.** 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 Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy Injuring meters &c.

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for the protection of the Council or the punishment of the offender) for every such offence forfeit and pay to the Council a sum not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained :

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rent is recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the 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 fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to  
Council to  
supply  
materials.

**38.** The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

Misuser  
where  
supply to  
several  
houses  
is by a pipe  
common  
to all.

**39.** 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 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.

Supply of  
water in  
bulk.

**40.** The Council may enter into and carry into effect agreements with any urban or rural district council of any district within or beyond the limits of this Act or any company authorised

to supply water under Parliamentary authority within any such district for the supply by the Council to such council or company respectively of water in bulk Provided that nothing in this section shall authorise the Council to supply or to continue to supply water within or for use within the limits of supply of any local authority or company supplying water under the authority of Parliament except with the consent of such authority or company nor shall the Council supply water under any such agreement as aforesaid beyond the limits of this Act if and so long as such supply would interfere with the continuing supply of water for domestic purposes within those limits.

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41. The Council may when and as they think it expedient put up remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for the watering of cattle horses and other animals at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply in such public places as the Council may think fit Provided that no fountain or trough shall be put up against any private dwelling-house warehouse counting-house shop or other building except with the consent of the owner and occupier thereof Any person who wilfully uses any water so gratuitously supplied elsewhere or otherwise than as herein-before mentioned shall be liable to a penalty not exceeding forty shillings.

Public  
drinking  
fountains.

42. If at any time after the passing of this Act any local authority whose district is beyond the district of the Council but as to the whole or any part thereof within their limits for the supply of water shall give not less than six months' notice in writing to the Council of their desire to purchase such portion of the waterworks and plant of the Council as is contained within 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 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 Council for the supply of water) and to supply water within such district then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the waterworks and plant of the Council (except as aforesaid) within 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 Any such purchase shall be deemed to be a purpose of the

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

A.D. 1898. Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Council to supply water within the district of the purchasing authority shall cease and determine.

## FINANCIAL PROVISIONS.

Power to borrow.

**43.**—(1) The 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 following (that is to say):—

- (1) For the purchase of the undertaking of the Company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Council (other than the costs of this Act) the sum requisite for that purpose ;
- (2) For the improvement of the works and distributing apparatus the sum of ten thousand pounds ;
- (3) For paying the costs 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 Council may require for any of the purposes of this Act or otherwise in relation to the water undertaking of the Council.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of their water undertaking and if they think fit as a collateral security the district fund and general district rate.

Mode of raising money.

**44.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

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

**45.** 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 Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

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

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

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 Provisions  
 of Public  
 Health Act  
 as to mort-  
 gages to  
 apply.

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

Periods for  
 discharge of  
 loans.

As to moneys borrowed for the purposes (1) and (2) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the date or dates of the borrowing of the same ;

As to money borrowed for the purpose (3) in the said section mentioned within 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 within such period as they may think fit to sanction.

48. The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined 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 pay off money or make any appropriations for a sinking fund before the expiration of one year from the transfer.

Mode of  
 payment off  
 of money  
 borrowed.

49.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

Sinking  
 fund.

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

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect

A.D. 1898. of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

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

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Council :

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

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.



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(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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

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

Protection of lender from inquiry.

**51.** The Council shall not be bound to see to the execution of any trust whether expressed 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 of mortgages of the Council shall from time to time be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the 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.

Council not to regard trusts.

**52.—(1)** The mortgagees of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Appointment of receiver.

A.D. 1898.

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

Power to  
re-borrow.

**53.** If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of 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 prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual  
return to  
Local  
Government  
Board.

**54.—(1)** The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) 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 pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of

Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1898.

55. The proceeds of the sale of any lands of the Council under the powers of this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act but shall not be applied to the payments 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 that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Proceeds of sale of surplus lands to be treated as capital.

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

Application of money borrowed.

57. The 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.

First 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 Council under this Act ;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed under this Act ;

Fourthly In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their water undertaking or to meet any extraordinary claim or demand at any time arising against the 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 five thousand pounds and so from time to time as often as such reduction happens :

And the Council shall carry to the district fund so much of any balance (including the interest on the reserve fund when such fund amounts to five thousand pounds) remaining in any year as may in

A.D. 1898. — the opinion of the Council not be required for improving or extending or carrying on their water undertaking and paying the current expenses connected therewith.

As to  
deficiency  
in receipts.

**58.** Any deficiency in the revenue of the Council on account of their water undertaking shall be made good out of the general district rate made next after each such deficiency is ascertained.

Inquiries  
by Local  
Government  
Board.

**59.**—(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.

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

Expenses of  
execution  
of Act.

**60.** Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate.

Separate  
accounts of  
water under-  
taking to be  
kept.

**61.** The Council shall keep a separate account of their receipts and expenditure for waterworks purposes on capital and revenue account and the provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and servants under this Act.

Powers of  
Act cumu-  
lative.

**62.** All powers given to the Council by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed. Provided that no person shall incur more than one penalty for the commission of the same offence.

Recovery of  
demands  
under fifty  
pounds.

**63.** Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Authentica-  
tion of  
notices.

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

**65.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or any gas or water rate rent or charge payable to the Council. A.D. 1898.  
Judges not  
disqualified.

**66.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Council are authorised to borrow under the powers of this Act. Costs of Act.

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