

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.)*  
*Act, 1937.*



## CHAPTER xli.

An Act to incorporate a joint board consisting of representatives of the corporations of Grimsby and Cleethorpes and the rural district council of Grimsby to transfer to and vest in the Board the undertaking of the Great Grimsby Waterworks Company Limited to empower the Board to construct waterworks to supply water and to acquire lands to empower the mayor aldermen and burgesses of the borough of Grimsby to execute street improvements and to acquire lands for those and other purposes to make further provisions with respect to the finance of the borough of Grimsby and for other purposes. A.D. 1937.  
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[10th June 1937.]

**W**HEREAS the borough of Grimsby (in this Act called "the borough") is a county borough under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation") acting by the council of the borough:

And whereas the borough of Cleethorpes is a municipal borough under the local government of the mayor aldermen and burgesses of the said borough (in this Act called "the Cleethorpes Corporation") acting by the council of that borough:

[Ch. xli.] *Grimsby Corporation (Grimsby Cleethorpes and District Water &c.) Act, 1937.* [1 EDW. 8. & 1 GEO. 6.]

A.D. 1937.

— And whereas the rural district of Grimsby (in this Act called “the rural district”) is under the local management and control of the rural district council of Grimsby (in this Act called “the rural council”):

And whereas the council of the borough (in this Act called “the council”) the council of the borough of Cleethorpes and the rural council are respectively the authorities for carrying into execution the provisions of the Public Health Acts relating to water supply within their district:

25 & 26 Vict. c. 89. And whereas the Great Grimsby Waterworks Company Limited (in this Act called “the company”) were on the nineteenth day of November eighteen hundred and sixty-two incorporated under the Companies Act 1862:

26 & 27 Vict. c. xxxv. And whereas the company under and by virtue of the Great Grimsby Waterworks Act 1863 (in this Act referred to as “the Act of 1863”) and the Great Grimsby Water Order 1906 (in this Act referred to as “the Order of 1906”) (confirmed by the Gas and Water Orders Confirmation Act 1906) have constructed waterworks and are supplying water within limits of supply which comprise the borough the borough of Cleethorpes and the parishes of Aylesby Bradley Great Coates Habrough Healing Immingham Laceby Stallingborough Waltham and Weelsby in the rural district:

6 Edw. 7. c. cxxxi.

And whereas the authorised capital of the company is two hundred and fifty thousand pounds divided into twenty-five thousand shares of ten pounds each of which fifteen thousand shares have been issued and are fully paid up and ten thousand shares have been issued on which three pounds per share has been paid up and the yearly dividend on the said shares is limited to a dividend at the rate of ten per centum per annum unless a larger dividend shall at any time be necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate:

And whereas the company have raised by the creation and issue of debenture stock the sum of thirty thousand pounds bearing interest at the rate of three pounds ten shillings per centum per annum:

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
 1 GEO. 6.] *Cleethorpes and District Water &c.)*  
*Act, 1937.*

A.D. 1937.

And whereas it is expedient that the water supply of the borough the borough of Cleethorpes and the parts of the rural district in this Act referred to should be under the control of a joint board (in this Act referred to as "the Board") consisting of representatives of the Corporation the Cleethorpes Corporation and the rural council and that the undertaking of the company should be transferred to and vested in the Board upon the terms provided by this Act and that the powers contained in this Act in relation to the supply of water should be conferred on the Board :

And whereas it is expedient that the Board should be empowered to construct the waterworks described in this Act and to acquire lands :

And whereas it is expedient that the Corporation should be empowered to execute the street works described in this Act :

And whereas it is expedient that the Corporation should be authorised to acquire lands for the purposes of the said street works and for other purposes :

And whereas it is expedient that the Corporation should be empowered to borrow money for the purposes of this Act so far as they relate to the Corporation and that the other provisions with regard to the finances of the borough which are contained in this Act should be made :

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

And whereas estimates have been prepared of the expense of the works hereinafter mentioned and such estimates are as follows :—

	£
For the construction of waterworks	- 12,500
For the execution of street works	- 1,400

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

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

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

And whereas plans showing the lands which may be taken or used compulsorily for the purposes or under the powers of this Act such plans showing the lines or situations of the said waterworks and the said street works and sections showing the levels of such works with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the town clerk of the borough and with the clerk of the county council of the administrative county of the Parts of Lindsey Lincolnshire and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference :

23 & 24  
Geo. 5. c. 51.

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed by the Corporation :

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Grimsby Corporation (Grimsby Cleethorpes and District Water &c.) Act 1937.

Division of  
Act into  
Parts.

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

Part I.—Preliminary.

Part II.—Establishment constitution and proceedings of Board.

Part III.—Transfer of undertaking.

Part IV.—Waterworks &c.

Part V.—Street works &c.

Part VI.—Powers of Board with respect to lands.

Part VII.—Powers of Corporation with respect to lands.

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
 1 GEO. 6.] *Cleethorpes and District Water &c.)*  
*Act, 1937.*

Part VIII.—General provisions with respect to lands.	A.D. 1937.
Part IX.—Supply of water.	PART I. —cont.
Part X.—Financial provisions relating to Board and constituent authorities.	
Part XI.—Financial provisions relating to Cor- poration.	
Part XII.—Miscellaneous provisions relating to Board.	
Part XIII.—Miscellaneous provisions relating to Corporation.	
Part XIV.—General.	

3. The following Acts and parts of 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 (that is to say) :—

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

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act; 8 & 9 Vict.  
c. 18.

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Board or the Corporation (as the case may require) and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Act 1847 except— 10 & 11 Vict.  
c. 17.

(a) The words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” in section 44;

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

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

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART I.  
—cont.

Provided that in its application to the Board—

(i) section 30 of that Act shall be read and have effect as if the words “ seven clear days ” were substituted therein for the words “ three clear days ”; and

(ii) section 35 of that Act shall be read and have effect as if the words “ one eighth part ” were substituted therein for the words “ one-tenth part ” :

26 & 27 Vict.  
c. 93.

(3) The Waterworks Clauses Act 1863.

For the purposes of such incorporated Acts and parts of Acts this Act shall be deemed to be the special Act within the meaning of any such Act and “ the promoters of the undertaking ” or “ the undertakers ” where used in those Acts or parts of Acts shall mean the Board or the Corporation as the case may require.

Interpreta-  
tion.

26 Geo. 5. &  
1 Edw. 8.  
c. 50.

4.—(1) In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 have the same respective meanings and where in any particular part of the said Act of 1936 special meanings are assigned to words or expressions occurring therein those words or expressions have the same respective meanings in any provisions of this Act dealing with the same subject matter as that part of the said Act of 1936.

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

“ The borough ” means the county borough of Grimsby;

“ The council ” means the council of the borough;

“ The Corporation ” means the mayor aldermen and burgesses of the borough acting by the council;

“ The town clerk ” means the town clerk of the borough;

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

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.*)  
*Act, 1937.*

- “ The Cleethorpes Council ” means the council of the borough of Cleethorpes; A.D. 1937.
- “ The Cleethorpes Corporation ” means the mayor aldermen and burgesses of the borough of Cleethorpes acting by the Cleethorpes Council; PART I.  
—cont.
- “ The rural council ” means the rural district council of Grimsby;
- “ The local authorities ” where used in Part II (Establishment constitution and proceedings of Board) of this Act means the council the Cleethorpes Council and the rural council and “ local authority ” where used in the said Part means any one of the local authorities;
- “ The constituent authorities ” means the Corporation the Cleethorpes Corporation and the rural council and “ constituent authority ” means any one of the constituent authorities;
- “ The Board ” means the Grimsby Cleethorpes and District Water Board incorporated by this Act;
- “ The clerk ” means the clerk to the Board and includes any person duly authorised to discharge temporarily the duties of such clerk;
- “ The company ” means the Great Grimsby Waterworks Company Limited;
- “ The Act of 1863 ” means the Great Grimsby Waterworks Act 1863; 26 & 27 Vict.  
c. xxxv.
- “ The Order of 1906 ” means the Great Grimsby Water Order 1906;
- “ The Act of 1921 ” means the Grimsby Corporation Act 1921; 11 & 12  
Geo. 5.  
c. clxxvi.
- “ The Act of 1929 ” means the Grimsby Corporation (Dock &c.) Act 1929; 19 & 20  
Geo. 5.  
c. lxxxiv.
- “ The day of transfer ” means the first day of July nineteen hundred and thirty-seven;
- “ The undertaking of the company ” includes—
- (a) All the lands buildings waterworks waters sources of supply works machinery mains pipes plant spare parts apparatus vehicles stock in trade stores furniture chattels effects deeds agreements contracts plans blue

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART I.  
—cont.

prints specifications engineers' opinions and reports books records vouchers letters and other documents belonging to the company on the day of transfer;

(b) All bank balances and cash and other balances (including consumers' deposits) in the hands of the company or in the hands of their bankers agents or servants on the day of transfer and investments and securities for money;

(c) All rates rents book debts and other sums of money which on the day of transfer are due or payable to or are accruing due to the company;

(d) All estates rights powers easements interests and privileges vested in or had or enjoyed by the company at the day of transfer;

(e) All other the real and personal property belonging to the company on the day of transfer;

but does not include—

(i) the directors' minute books and other books and papers relating exclusively to the shareholders in and the constitution of the company which may be necessary to be retained for the purpose of winding up the company;

(ii) ten thousand pounds out of the investments or money standing to the credit of the reserved fund of the company at the day of transfer;

(iii) such a sum of money as may be required to enable the company to declare and pay a dividend at the rate of ten per centum per annum (less income tax) on their fully paid shares and on the amount paid up on their partly paid shares in respect of the portion of the period from the thirtieth day of June nineteen hundred and thirty-six to the day of transfer for which a dividend shall not have been paid by the company;



- “The scheduled agreement” means the agreement dated the sixth day of March nineteen hundred and thirty-seven and made between the Corporation of the one part and the company of the other part a copy whereof is set forth in the First Schedule to this Act;
- “The day of completion” means the first day of July nineteen hundred and thirty-seven or the forty-second day after the passing of this Act whichever shall be the later;
- “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “The waterworks” means the waterworks and the works in connection therewith or subsidiary thereto authorised by this Act;
- “The water undertaking” means the water undertaking of the Board as from time to time authorised;
- “The water limits” means the limits within which the Board are for the time being authorised to supply water;
- “The street works” means the street widenings and improvements and the works in connection therewith authorised by this Act;
- “The deposited plans” “the deposited sections” and “the deposited book of reference” mean respectively the plans sections and book of reference deposited with the town clerk and with the clerk of the county council of the administrative county of the Parts of Lindsey Lincolnshire in relation to the Bill for this Act;
- “The Minister” means the Minister of Health;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;

A.D. 1937.

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PART I.  
—cont.

9 & 10  
Geo. 5. c. 57.

42 & 43 Vict.  
c. 76.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

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PART I.  
—cont.

38 & 39 Vict.  
c. 83.

- “Communication pipe” includes service pipe;
- “Statutory borrowing power” includes a power of borrowing money conferred on the Board or the Corporation (as the case may be) by or under any enactment except paragraph (a) of subsection (1) of section 215 (Temporary loans &c.) of the Local Government Act 1933;
- “Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or (in the case of the Board) any security of the Board or (in the case of the Corporation) any security of the Corporation;
- “Authorised security” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;
- “The revenues of the Board” includes the revenues of the Board from time to time arising from the water undertaking or from any land or other property belonging to the Board and the money receivable by them from the constituent authorities (other than borrowed money) and all rates and money which they are authorised to levy and collect within the districts of the constituent authorities under the powers of this Act;
- “The revenues of the Corporation” includes the general rate fund and all rates Exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Corporation.

5. The Board shall not exercise the powers conferred upon them by Part IV (Waterworks &c.) and Part IX (Supply of water) of this Act until the day of completion.

Commence-  
ment of  
Parts IV  
and IX of  
Act.

## PART II.

### ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD.

6.—(1) For the purposes of carrying this Act into execution so far as it relates to the acquisition of the undertaking of the company and the supply of water there shall be a Board constituted and appointed as by this Act provided.

Incorpora-  
tion of  
Board.

(2) The Board shall be a body corporate under the name and style of the "Grimsby Cleethorpes and District Water Board" with perpetual succession and a common seal and with power to acquire hold and dispose of lands (without any licence in mortmain) and with all other powers and privileges of a body corporate.

7. Subject to the provisions of this Part of this Act the Board shall be constituted as follows :—

Constitu-  
tion of  
Board.

Ten members to be appointed by the council;

Five members to be appointed by the Cleethorpes Council;

Two members to be appointed by the rural council.

8.—(1) The first appointment of members of the Board by each local authority shall take place at a meeting of the local authority to be held before the expiration of fourteen days from the passing of this Act and the members so appointed shall subject to the provisions of this Part of this Act continue in office until the thirtieth day of June nineteen hundred and forty-one.

Appoint-  
ment of  
members of  
Board.

(2) Each local authority shall at a meeting to be held in the month of May or June in the year nineteen hundred and forty-one and in the year in which every subsequent period of three years expires appoint such number of members of the board as they are by this Part of this Act authorised to appoint to hold office for the period of three years from the first day of July next after the date of their appointment.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.) Act, 1937.*

A.D. 1937.

—  
PART II.

—cont.

Provisions where failure to appoint members.

(3) A vacating member shall subject to the provisions of this Part of this Act be eligible for re-appointment.

9. If any local authority fail to appoint first members of the Board it shall be competent for the other members of the Board to carry this Act into execution and if any local authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such authority and qualified to be members or a member of the Board shall continue in office until their or his successors or successor are or is appointed.

Members of Board to be members of local authorities.

10. A person shall not be qualified to be a member of the Board unless he is a member of the local authority by whom he is appointed.

Member of two or more local authorities to represent one only.

11. A person who is a member of two or more local authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one local authority he shall within one month after the second appointment choose under which appointment he shall serve and the other appointment shall be deemed void.

Disqualification of members.

12. If a member of the Board ceases to be a member of the local authority by whom he was appointed he shall cease to be a member of the Board. Provided that for the purposes of this section a member of the Board shall not be deemed to have ceased by reason of retirement to be a member of such local authority if he has been re-elected a member thereof not later than the day of his retirement.

Disability of members for voting.

13.—(1) If a member of the Board has any pecuniary interest direct or indirect in any contract or proposed contract or other matter and is present at a meeting of the Board at which the contract or other matter is the subject of consideration he shall at the meeting as soon as practicable after the commencement thereof disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract or other matter :

Provided that this section shall not apply to an interest in a contract or other matter which a member

may have as a ratepayer or as an inhabitant of any district comprised in the water limits or as an ordinary consumer of water or to an interest in any matter relating to the terms on which the right to participate in any service (including the supply of goods) is offered to the public.

A.D. 1937.

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PART II.

—cont.

(2) For the purposes of this section a person shall (subject as hereafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or other matter if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration :

Provided that—

(i) this subsection shall not apply to membership of or employment under any public body;

(ii) a member of a company or other body shall not by reason only of his membership be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.

(3) In the case of married persons living together the interest of one spouse shall if known to the other be deemed for the purposes of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the clerk by a member of the Board to the effect that he or his spouse is a member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person shall unless and until the notice is withdrawn be deemed to be a sufficient disclosure of his interest in any contract proposed contract or other matter relating to that

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

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PART II.

—cont.

company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The clerk shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) of this section and of any notice given under subsection (4) thereof and the book shall be open at all reasonable hours to the inspection of any member of the Board.

(6) If any person fails to comply with the provisions of subsection (1) of this section he shall for each offence be liable to a fine not exceeding fifty pounds unless he proves that he did not know that a contract proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(7) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(8) The Minister may subject to such conditions as he may think fit to impose remove any disability imposed by this section in any case in which the number of members of the Board so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business or in any other case in which it appears to the Minister that it is in the interests of the inhabitants of the area comprised in the water limits that the disability should be removed.

(9) The Board may by standing orders provide for the exclusion of a member of the Board from a meeting of the Board whilst any contract proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

(10) The provisions of this section shall apply in respect of members of a committee of the Board as those provisions apply in respect of members of the Board with the substitution of references to meetings of the committee for references to meetings of the Board.

Notification  
of appoint-  
ment of  
members.

14. Whenever an appointment of a member of the Board has been made the clerk of the local authority by whom the appointment was made shall by writing under his hand notify the appointment to the Board

[1 EDW. 8. & Grimsby Corporation (Grimsby [Ch. xli.]  
1 GEO. 6.] Cleethorpes and District Water &c.)  
Act, 1937.

and shall forthwith on the first appointment transmit the notification to the respective clerks of the other local authorities and on every subsequent appointment to the clerk and every such notification shall be conclusive evidence of such appointment.

A.D. 1937.

PART II.  
—cont.

**15.** Any member of the Board may at any time resign his office as such member by notice in writing signed by him and delivered to the clerk and his resignation shall take effect upon the receipt of such notice by the clerk.

Resigna-  
tion of  
members.

**16.** Any member of the Board may be removed at any time by resolution of the local authority by whom he was appointed.

Removal of  
members.

**17.** If a member of the Board fails throughout a period of six consecutive months to attend any meeting of the Board he shall unless the failure was due to some reason approved by the Board cease to be a member of the Board:

Vacation of  
office by  
failure to  
attend  
meetings.

Provided that—

- (a) attendance as a member at a meeting of any committee of the Board shall be deemed for the purposes of this section to be attendance at a meeting of the Board;
- (b) a member of any branch of His Majesty's naval military or air forces when employed during war or any emergency on any naval military or air force service and a person whose employment in the service of His Majesty in connection with war or any emergency is such as in the opinion of the Minister to entitle him to relief from disqualification on account of absence shall not cease to be a member of the Board by reason only of failure to attend meetings of the Board if the failure is due to that employment.

**18.** Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the Board shall forthwith declare the office to be vacant and shall notify the fact to the local authority by whom he was appointed in such manner as the Board think fit.

Notice of  
vacancies.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART II.

—cont.

Casual  
vacancies.

19. On any vacancy happening in the membership of the Board owing to a member dying resigning or becoming disqualified or otherwise ceasing to be a member the local authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Board in his place but unless the vacancy happens at the expiration of the term of office of the vacating member the person appointed in his place shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office :

Provided that if the vacancy happens within three months before the date of the expiration of the term of office of the vacating member the vacancy shall for the purposes of the appointment of his successor be deemed to have happened at that date.

Meetings of  
Board.

20.—(1) The Board shall hold their first meeting on such day not being less than fourteen days nor more than twenty-one days after the passing of this Act and at such time and place as shall be directed by the mayor of the borough for the time being or as failing such direction shall be appointed by the Minister.

(2) The Board shall hold an annual meeting within fourteen days after the thirtieth day of June in every year.

(3) Subject as aforesaid the meetings of the Board subsequent to the first meeting (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint.

Chairman  
and vice-  
chairman  
of Board.

21.—(1) At their first meeting the Board shall appoint one of their members as chairman and another as vice-chairman for the period ending on the thirtieth day of June nineteen hundred and forty-one.

(2) At their annual meeting in the year nineteen hundred and forty-one and in each succeeding third year the Board shall appoint one of their members as chairman and another as vice-chairman for the ensuing three years.

(3) The chairman shall be appointed in rotation from amongst the members representing each local



authority in the following order namely the council the Cleethorpes Council and the rural council and the vice-chairman shall not be appointed from amongst the members representing the local authority of which the chairman is a representative.

A.D. 1937.

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PART II.  
—cont.

(4) If there be an equality of votes as to the appointment of chairman or vice-chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman or vice-chairman (as the case may be).

(5) A chairman or vice-chairman shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(6) On a casual vacancy happening in the office of chairman or vice-chairman by reason of death resignation disqualification absence or any other cause another member representing the same local authority shall be appointed in his place to hold office until the time when the person in whose place he is appointed would have gone out of office in the ordinary course.

**22.** The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk specifying the business proposed to be transacted require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

Special  
meetings  
of Board.

**23.** The meetings of the Board shall be convened by the town clerk until the Board have appointed a clerk and afterwards by the clerk and every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence or place of business three clear days at least before the day of the meeting.

Convening  
of meetings.

**24.** To constitute a meeting of the Board there must be present not less than five of the members of the Board.

Quorum of  
meetings.

**25.—(1)** At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member

Proceedings  
at meetings.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.) 1 GEO. 6.] Act, 1937.*

A.D. 1937. of the Board chosen by the members present shall  
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preside.

PART II.  
—cont.

(2) (a) Subject to the provisions of this Part of this Act every question at a meeting of the Board shall be decided by a majority of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or a casting vote. Provided that if at any meeting neither the chairman nor vice-chairman shall be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(b) The mode of voting at meetings of the Board shall be by show of hands and on the requisition of any three members of the Board the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

(3) The names of the members present at a meeting of the Board shall be recorded.

Minutes of  
meetings.

**26.**—(1) Minutes of the proceedings of a meeting of the Board or of a committee thereof shall be drawn up and entered in a book kept for that purpose and shall be signed at the same or next ensuing meeting of the Board or committee (as the case may be) by the person presiding thereat and any minute purporting to be so signed shall be received in evidence without further proof.

(2) Until the contrary is proved a meeting of the Board or of a committee thereof in respect of the proceedings whereof a minute has been so made and signed shall be deemed to have been duly convened and held and all the members present at the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

(3) Copies of the minutes of the proceedings of every meeting of the Board shall after each meeting be sent by the clerk to the clerk of each local authority.

A.D. 1937

**27.** Subject to the provisions of this Part of this Act the Board may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

PART II.  
—cont.  
Standing orders of Board.

**28.**—(1) The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without restrictions or conditions as they may think fit any of their functions (except any power of raising money or issuing a precept or fixing or altering the rates and charges for the supply of water) to any committee of the Board so appointed.

Committees of Board.

(2) The provisions of section 96 of the Local Government Act 1933 with respect to proceedings of committees of a local authority within the meaning of that Act shall apply to committees of the Board as if they were committees of such a local authority.

**29.**—(1) The Board may from time to time appoint and remunerate a clerk a manager an engineer a treasurer and an accountant or any of such officers and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall subject to the terms of any agreement which may be made between the Board and any officer clerk or servant be removable by the Board at their pleasure.

Appoint-ment of officers.

(2) No member of the Board or of any of the local authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of a local authority except the clerk the manager and the engineer of the Board.

**30.** The Board shall for the purposes of the Local Government and other Officers' Superannuation Act 1922 be deemed to be a local authority within the meaning of that Act and in the application of that Act to officers and servants of the Board "service" and "non-contributing service" in section 3 shall if and to the extent to which the Board so decide be deemed respectively to include service with the company.

Application of Local Government and other Officers' Superannuation Act 1922. 12 & 13 Geo. 5. c. 59.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART II.

—cont.  
Proceedings  
not in-  
validated.

**31.** The proceedings of the Board or of a committee thereof shall not be invalidated by any vacancy among their number or by any defect in the appointment or qualification of any member thereof.

Travelling  
expenses.

**32.** The Board may defray any expenses necessarily incurred by members of the Board or of any committee thereof in travelling by direction of the Board or of any such committee for the purpose of carrying out any duty necessary for the discharge of the functions of the Board or such committee.

Power to  
alter  
number of  
members.

**33.** On the application of any of the local authorities the Minister may at any time after giving notice of the application to the other local authorities and considering any objections or representations made by them by order alter the number and proportion of members to be appointed by the local authorities and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration :

Provided that before deciding whether or not to make any such order the Minister shall if requested so to do by any of the local authorities hold a local inquiry into the application.

Provision in  
event of  
alteration of  
districts.

**34.**—(1) If at any time the boundaries of the districts of any of the constituent authorities are altered or the whole or any part of the rural district is created or included in a municipal borough then and in every such case the Minister may by order to be published as he shall direct make such provision as to him seems fit for adapting the provisions of this Act to the alterations so made and to the incidents and consequences thereof and every such order shall notwithstanding anything contained in this Act to the contrary have effect as if the terms thereof were inserted in this Act.

(2) Before making such an order—

(a) the Minister shall in any case in which there shall be any such alteration of boundaries as aforesaid (other than an alteration which in the opinion of the Minister is not material

for the purposes of this Act) including an alteration of boundaries in connection with the creation of a municipal borough and may in any other case hold a local inquiry on the subject of which notice shall be given by advertisement or otherwise as the Minister may direct; and

- (b) an opportunity shall be given to any person who appears to the Minister to be affected of stating any objections he may have thereto.

### PART III.

#### TRANSFER OF UNDERTAKING.

**35.**—(1) The scheduled agreement is hereby confirmed and made binding upon the company and the Board as if the Board had been a party to the said agreement in place of the Corporation and as if the same had been made under the common seal of the Board and shall be carried into effect accordingly.

(2) On the day of completion or on such later date as the price or consideration referred to in the next succeeding section of this Act is paid the undertaking of the company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Board as from the day of transfer free from all mortgages debentures debenture stock or other similar charges.

**36.**—(1) The price or consideration to be paid by the Board to the company shall be the sum of four hundred and fifty thousand pounds (together with interest thereon calculated from the day of transfer to the day of completion at the rate of four per centum per annum (less income tax)) which shall be paid in cash on the day of completion.

(2) As further part of the price or consideration to be paid by the Board for the transfer to them of the undertaking of the company the Board shall on the day of completion pay to the company a sum in cash of an

A.D. 1937.

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PART II.  
—cont.

Confirma-  
tion of  
scheduled  
agreement  
and trans-  
fer of  
undertaking  
of company.

Considera-  
tion.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART III.  
—cont.

amount equal to the amount by which the nominal value of any stock of the Board to be issued pursuant to the provisions of the section of this Act of which the marginal note is "Power to debenture stockholders to require issue of substituted stock" falls short of thirty thousand pounds together with interest on the said sum calculated from the day of transfer to the day of completion at the rate of three and one-half per centum per annum (less income tax).

Interest on unpaid purchase money.

**37.** If the sum payable to the company under the provisions of the section of this Act of which the marginal note is "Consideration" is not paid on the day of completion the Board shall pay to the company interest at the rate of five per centum per annum (less income tax) on the sum unpaid from the day of completion to the date of actual payment.

Receipt for consideration.

**38.** The receipt in writing of two directors of the company for any money paid to the company under this Part of this Act shall effectually discharge the Board 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 mis-application or non-application thereof and if from any cause the Board are unable to obtain any such receipt they may pay the money due to the company 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 Board by the cashier of the said bank for the money which shall have the same effect as the receipt of two directors of the company.

Evidence of transfer.

**39.** The production of a King's Printers' or Royal Assent copy of this Act duly stamped together with a receipt for the price or consideration purporting to be signed by two directors of the company or by the cashier of the Bank of England shall (unless it be proved that the price or consideration has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Board of the undertaking of the company.

40.—(1) If any person who immediately before the passing of this Act is the registered holder of debenture stock of the company or his executors or administrators desires the whole or any part of the debenture stock of which he is the holder to be exchanged for three and one-half per centum stock of the Board and of such his desire shall within fourteen days after the date of the passing of this Act give to the Board notice in writing in that behalf the Board shall issue to such person or his executors or administrators three and one-half per centum stock of the Board created by virtue of the section of this Act of which the marginal note is "Creation of stock as part consideration for transfer" at the rate of one hundred pounds of such stock in respect of every one hundred pounds of debenture stock of the company and so in proportion for any smaller sum and the debenture stock of the company so exchanged shall be deemed to be cancelled.

A.D. 1937.

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 PART III.  
 —cont.

Power to debenture stock-holders to require issue of substituted stock.

(2) A copy of this section shall forthwith after the passing of this Act be sent by the company by registered post to every person whose name and address was entered in the registers as a holder of debenture stock of the company immediately before the passing of this Act.

41. The Board shall pay and discharge (so far as the same shall not have been previously discharged by the company) the debts outgoings and liabilities incurred by the company (other than debts outgoings and liabilities in respect of any mortgages debentures debenture stock or other similar charges or in respect of any contract agreement liability or other obligation made or entered into in contravention of the provisions of the section of this Act of which the marginal note is "Exercise of powers until transfer" or of clause 8 of the scheduled agreement) properly chargeable against the company and shall be entitled as from the day of transfer to all rates rents profits and other receipts receivable in respect of the undertaking of the company.

Board to pay debts and to be entitled to rents after transfer.

42.—(1) Until the day of transfer the company shall maintain and carry on their undertaking as heretofore in the ordinary course of business and in accordance with the provisions of this section and of the scheduled

Exercise of powers until transfer.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. agreement maintaining the assets of their undertaking in satisfactory condition including normal quantities of consumable stores.

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PART III.  
—cont.

(2) As from the day of transfer the undertaking of the company shall be deemed to have been managed and carried on and the same shall be managed and carried on until the day of the actual completion of the transfer by the company in the ordinary course of business and in accordance with the provisions of this section and of the scheduled agreement for the benefit and on behalf of the Board and accordingly all moneys received and paid by the company after the day of transfer shall (subject as in this section or in the scheduled agreement provided) be deemed to be received and paid for and on account of the Board and the Board shall pay and discharge and indemnify the company against all expenses liabilities and engagements whatsoever of the company incurred or entered into by the company in the ordinary course of business and in accordance with the provisions of this section and of the scheduled agreement after the day of transfer for the purposes of and in the course of so carrying on the undertaking of the company.

(3) The company shall not without the previous consent of the Corporation in writing under the hand of the town clerk—

- (a) enter into any contract or incur any liability other than in respect of legal accountancy and engineering charges incidental to the carrying into effect of the scheduled agreement and other than in the ordinary course of carrying on their undertaking or make any unnecessary or exceptional expenditure;
- (b) raise any money by borrowing or charge or dispose of or distribute any of their assets or create or issue any capital debentures or debenture stock;
- (c) vary any rates rents or charges which were being demanded or taken by the company on the first day of July nineteen hundred and thirty-six;
- (d) increase the remuneration salaries or emoluments of the directors auditors officers or servants



of the company beyond their usual remuneration salaries and emoluments at the rate operative on the first day of July nineteen hundred and thirty-six;

A.D. 1937.  
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PART III.  
—cont.

(e) grant any pensions or retiring gratuities.

(4) The company shall not declare or pay any dividend on their capital in respect of any period prior to the thirtieth day of June nineteen hundred and thirty-six but the company shall be entitled to declare and pay out of their revenue balances dividends on their fully paid shares and on the amount paid up on their partly paid shares from the said thirtieth day of June nineteen hundred and thirty-six up to the day of transfer at a rate not exceeding ten per centum per annum less income tax.

43. As from the day of completion the unrepealed provisions of the Act of 1863 and the Order of 1906 shall be and the same are hereby repealed.

Repeal of  
Act of 1863  
and Order  
of 1906.

44. Notwithstanding the provisions of the section of this Act of which the marginal note is "Repeal of Act of 1863 and Order of 1906" and notwithstanding the transfer to the Board of the undertaking of the company the following provisions shall have effect (that is to say):—

Savings.

(1) If on the day of completion any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company in relation to any property right privilege debt liability or obligation transferred to the Board the same shall not abate or be discontinued or in any wise prejudicially affected by reason of such transfer but the same (save so far as it relates to any mortgages debentures debenture stock or other similar charges of the company or to any contract agreement liability or other obligation made or entered into in contravention of the provisions of the section of this Act of which the marginal note is "Exercise of powers until transfer" or of clause 8 of the scheduled agreement) may be continued prosecuted and enforced by against or in favour of the Board as and when it might have been continued prosecuted

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART III.

—cont.

and enforced by against or in favour of the company if this Act had not been passed :

- (2) All rates rents and charges in connection with the undertaking of the company which have been lawfully made charged or imposed and which on the day of completion are due or if this Act had not been passed would have accrued due to the company shall continue in force and be due and payable and may be collected recovered or enforced by the Board as and when the same might have been payable to and collected recovered and enforced by the company if this Act had not been passed :
- (3) Except as by this Part of this Act otherwise provided all agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force on the day of completion shall be as binding and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the company the Board had been a party thereto Provided that no agreement conveyance contract deed or other instrument shall be binding on or of any force or effect against or in favour of the Board if entered into or made in contravention of the provisions of the section of this Act of which the marginal note is "Exercise of powers until transfer" or of clause 8 of the scheduled agreement :
- (4) 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 Board.

Existing officers and servants.

**45.**—(1) Every officer and servant (other than the directors secretaries and auditors of the company and any officer or servant who desires voluntarily to relinquish his office or situation) in the regular employment of the company in connection with the undertaking of the company immediately before the day of

completion (in this section referred to as an "existing officer" and an "existing servant") shall as from the day of completion become an officer or servant of the Board and shall hold his office or situation by the same tenure and upon like terms and conditions under the Board as he would have held the same under the company if the transfer of the undertaking of the company had not taken place and while performing the same duties shall receive not less salary or wage than he would have been entitled to from the company if the transfer of the undertaking of the company had not taken place.

(2) Every existing officer and existing servant shall perform such duties in connection with the water undertaking as they may be required to perform by the Board.

(3) The Board may abolish the office or situation of any existing officer or existing servant which they deem unnecessary and any existing officer or existing servant required at any time within a period of five years after the day of completion to perform duties which are not analogous or are an unreasonable addition to those which as an officer or servant of the company in connection with the undertaking of the company he was required to perform may relinquish his office or service.

(4) Every existing officer or existing servant whose office is so abolished or who so relinquishes his office or service as aforesaid or who otherwise suffers any direct pecuniary loss in consequence of the undertaking of the company being transferred to the Board shall be entitled to be paid by the Board compensation for such pecuniary loss.

(5) If within a period of five years after the day of completion the services of any existing officer or existing servant are dispensed with by the Board because his services are not required and not on account of misconduct or incapacity or the salary of any existing officer or existing servant is reduced on the ground that his duties have been diminished in consequence of the undertaking of the company being transferred to the Board such officer or servant shall be deemed to have suffered direct pecuniary loss in consequence of the transfer of the undertaking of the company to the Board.

A.D. 1937.

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PART III.  
—cont.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART III.  
—cont.

(6) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this section the provisions of the Fourth Schedule to the Local Government Act 1933 shall apply with the following and any other necessary modifications :—

- (a) any reference in that schedule to an officer shall be construed as a reference to an existing officer or an existing servant as the case may be as defined in this section;
- (b) any reference in that schedule to the local authority or the clerk of the authority shall be construed as a reference to the Board or the clerk.

Winding  
up of  
company.

**46.**—(1) From and after the day of completion the company shall subsist only for the purpose of receiving and recovering the money to which they become entitled under this Act or the scheduled agreement and of distributing their assets and winding up their affairs and carrying into effect the purposes of this Act so far as they relate to the company and the directors of the company who are in office at the day of completion or the survivors of them shall continue without re-election to hold office and such directors or a majority of them or in the event of a liquidator being duly appointed the liquidator shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.

(2) If the number of directors of the company be reduced below two before the completion of the winding up or the appointment of a liquidator thereof the continuing director shall from time to time choose any person who immediately prior to the day of completion was a shareholder of the company to fill any vacancy so caused.

(3) Forthwith after the day of completion or such later date as the price or consideration referred to in the section of this Act of which the marginal note is "Consideration" is paid (in this subsection referred to as "the day of actual completion") the directors of the

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.)*  
*Act, 1937.*

company or such liquidator as aforesaid shall proceed to wind up the affairs of the company in accordance with the provisions of the Companies Act 1929 and if such directors shall before the day of actual completion have delivered to the Registrar of Companies the statutory declaration of solvency which is referred to in section 230 of that Act the company shall be deemed as at the day of actual completion to have passed a special resolution for the voluntary winding up of the company and such winding up shall be conducted in accordance with the provisions of the said Act applicable to a members' voluntary winding up.

(4) Such part of the price or consideration mentioned in subsection (1) of the section of this Act of which the marginal note is "Consideration" and of the sum of ten thousand pounds mentioned in the section of this Act of which the marginal note is "Interpretation" as shall be divisible among the shareholders of the company in the winding up thereof shall be divided among them in proportion to the amounts paid up at the commencement of the winding up on the shares held by them respectively.

47.—(1) The company shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the company who knowingly and wilfully authorises such default shall incur a like penalty Every penalty under this section shall be recoverable summarily.

(2) There shall be paid to the registrar by the company on such copy being registered the like fee as is for the time being payable under the Companies Act 1929 on registration of any document other than a memorandum of association or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

A.D. 1937.

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PART III.

—cont.

19 & 20

Geo. 5. c. 23.

Copy of  
Act to be  
registered.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.) 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART IV.

WATERWORKS &C.

Power to maintain &c. transferred works.

**48.** Subject to the provisions of this Act the Board may maintain and from time to time repair alter improve enlarge extend and renew or discontinue the waterworks sources of supply works machinery mains pipes plant and apparatus to be transferred to and vested in them under the provisions of this Act (including any wells pumping stations or other works constructed without statutory authority) and may use and employ the same for the purposes of the water undertaking and for the supply of water within the water limits or under the provisions of this Act and the Board shall in respect of such works sources machinery mains pipes plant and apparatus and the maintenance and future use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the same shall form part of the water undertaking.

Power to make works (water-works).

**49.** Subject to the provisions of this Act the Board may in the lines or situations shown on the deposited plans make and maintain the following works in the administrative county of the Parts of Lindsey Lincolnshire (that is to say):--

In the parish of Healing and rural district of Grimsby—

Work No. 1 A well and pumping station in the enclosure numbered 53E in the said parish on the 1/2500 Ordnance map Lincolnshire Parts of Lindsey sheet XXII.5 (edition of 1932).

Subsidiary works (water-works).

**50.** In addition to the foregoing works the Board may upon the lands for the time being belonging to them for the purposes of the water undertaking or in respect of which they may obtain easements make and maintain all such works buildings machinery plant and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this section shall exonerate the Board from any action indictment or other proceeding for nuisance

in the event of any nuisance being caused or permitted by them :

A.D. 1937.

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 PART IV.  
 —cont.

Provided that any electrical works machinery plant or apparatus made or maintained under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

**51.** In the construction of any of the waterworks or any part of any such work the Board may deviate from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans.

Power to deviate (water-works).

**52.** If the waterworks delineated on the deposited plans are not completed within the period of five years from the day of transfer then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to so much of them or so much thereof respectively as shall then be completed. Provided that the Board may extend enlarge alter reconstruct renew or remove any of the said works as and when occasion may require.

Period for completion (water-works).

**53.** Subject to the provisions of this Act the Board may pump collect impound take use divert and appropriate for the purposes of the water undertaking all such springs streams and waters as will or may be taken or intercepted by means of the waterworks.

Power to take water.

**54.** Subject to the provisions of this Act the waterworks shall for all purposes whatsoever form part of the water undertaking.

Waterworks to form part of water undertaking.

**55.—(1)** The Board shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Limiting powers of Board to abstract water.

(2) For the purposes of this section the waterworks transferred to and vested in the Board under the provisions of this Act shall be deemed to be works

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. authorised by this Act and the lands upon which such waterworks are constructed shall be deemed to be specified in this Act.

PART IV.  
—cont.

Temporary discharge of water into streams &c.

**56.**—(1) For the purpose of constructing altering repairing emptying cleansing or examining any reservoir well aqueduct conduit line of pipes or other work for the time being belonging to them the Board may cause the water in such work to be temporarily discharged into any available surface-water sewer river stream ditch or watercourse :

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the power conferred by this section the Board shall do as little damage as may be and shall make full compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of such compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889 and the Arbitration Act 1934.

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

(3) The powers of this section shall not be exercised so as to damage the docks railways or works of any railway company.

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

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

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

Application of Waterworks Clauses Act 1847 to telephones &c.

**58.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any street of any discharge pipes telephone or telegraph



posts wires conductors or apparatus which the Board may and which they are hereby authorised to erect or lay down for the purposes of the water undertaking :

A.D. 1937.

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PART IV.

—cont.

Provided that the Board shall not lay down any such discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any street except with the consent of the highway authority responsible for the repair and maintenance thereof nor in through across or under any road street bridge or approach belonging to a railway company except with the consent in writing of such highway authority or company (which consent shall not be unreasonably withheld) and under the superintendence if given and to the reasonable satisfaction of the surveyor of such highway authority or the principal engineer of such company as the case may be and if any difference arises as to whether such consent is unreasonably withheld or whether the requirements of the said surveyor or principal engineer are reasonable or otherwise such difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

**59.** Any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this Part of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection of Postmaster General.

32 & 33 Vict. c. 73.

**60.**—(1) The Board shall have the like powers and be subject to the like restrictions in respect of the laying of water mains within the water limits as under the provisions of Part II of the Public Health Act 1936 a local authority will have and be subject to on and after the first day of October nineteen hundred and thirty-seven in respect of the construction of public sewers within their district :

Further powers in relation to water mains.

Provided that the Board shall not exercise the powers conferred by this section in relation to any land

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.) 1 GEO. 6.] Act, 1937.*

A.D. 1937. not dedicated to public use except with the consent of the local authority within whose district such land is situate but such consent shall not be unreasonably withheld and if any difference arises as to whether such consent is unreasonably withheld such difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

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PART IV.  
—cont.

(2) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this or any other Act.

Meters &c.  
to measure  
water or  
detect  
waste.

**61.**—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Board may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the pipes and mains of the Board and stop-cocks in the pipes supplying houses with water and may insert in the carriageways or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus.

(2) The Board shall not under the powers of this section interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) The Board shall not under the powers of this section enter upon break up or interfere with the railways or works or any electric lines wires or apparatus belonging to a railway company or any street belonging to such company without the consent of that company which consent shall not be unreasonably withheld nor shall the Board unreasonably obstruct or interfere with the access to or exit from any docks station or depot of that company.

(4) Nothing in this section shall extend to or authorise any interference with any works or apparatus of the Central Electricity Board except in accordance with the provisions of section 15 of the Electric Lighting Act 1882.

45 & 46 Vict.  
c. 56.

**62.**—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Board may by agreement purchase take on lease and acquire any lands in or over which any waters which the Board are for the time being authorised to collect impound take use divert or appropriate arise or flow and may hold such lands so long as they shall deem it necessary or expedient for those purposes Provided that the Board shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

(2) The Board may in and upon any lands so acquired by them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Board are empowered to take from being polluted and the Board may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within any area in or through which any waters which may be taken by the Board arise or flow subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Board shall not exercise the powers conferred by this section on any lands belonging to a railway company without the consent of the railway company to which such lands belong which consent shall not be unreasonably withheld.

**63.** The Board may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of their waterworks with reference to the execution by the Board or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted

A.D. 1937.

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PART IV.

—cont.

Power for  
protection  
of waters  
and water-  
works.

Power to  
agree as to  
drainage of  
lands &c.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. collected and appropriated by the Board flowing to upon or from such lands directly or derivatively into such works.  
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PART IV.  
—cont.

For protection of London and North Eastern Railway Company.

64. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the Board and the company apply and have effect (that is to say):—

- (1) If it shall be proved by the company that the pumping by the Board during the construction or use of Work No. 1 authorised by this Part of this Act has caused through no default of the company any appreciable diminution of the supply of water obtainable at any well belonging to the company which exists at the passing of this Act as an effective source of supply in regular use and is situate within a distance of two miles from the said work the Board shall upon the written request of the company afford (or arrange that there shall be afforded) to them a supply of water equal to the amount of such diminution as so proved at such cost or rate (if any) as that the total cost to the company of obtaining their full supply shall not be more after than before the occurrence of such diminution and upon such other terms as may be agreed or failing agreement may be settled by arbitration:

Provided that—

(a) The Board shall not be under any obligation to afford (or arrange that there shall be afforded) a supply of water for domestic purposes under this subsection in respect of any well the water from which was before the diminution so polluted as to be or to be likely to be injurious or dangerous to health; and

(b) The Board shall not be liable for any temporary failure of supply which is due to frost unusual drought or other unavoidable cause or accident:

- (2) For the purpose of affording a supply of water under subsection (1) of this section the Board

may carry out all such works and do all such things as are necessary for that purpose :

A.D. 1937.

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PART IV.

—cont.

- (3) The company shall grant to the Board without payment all such easements and facilities as they lawfully can and as may be necessary for or in connection with the execution of the works required to enable the Board to carry out their obligations to the company under this section :
- (4) The Board may if they think fit in lieu of affording (or arranging that there shall be afforded) a supply of water equal to the diminution of the supply as aforesaid deepen the affected well or make such borings therein or headings therefrom or carry out such other works as will increase the supply so as to make good the said diminution and the company shall without making any charge therefor give the Board their officers and servants access and every facility for or in connection with carrying out such deepening borings headings or other works :
- (5) The Board may if they think fit in lieu of affording (or arranging that there shall be afforded) a supply equal to the diminution of the supply as aforesaid make compensation in money to the company for such diminution the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided :
- (6) The Board shall not be liable in respect of any claim made by the company under this section if the company shall have failed to afford to the officers servants or other representatives of the Board at all reasonable times after the passing of this Act access to the well in respect of which the claim is made for the purpose of ascertaining particulars thereof and the levels and quantity or rate of flow of the water therein :
- (7) Any difference which may arise between the Board and the company under this section shall be determined by an arbitrator to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

A.D. 1937.

PART V.

STREET WORKS &c.

Power to execute works (street works).

**65.** Subject to the provisions of this Act the Corporation may in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections execute the street works in the borough hereinafter described (that is to say):—

Work No. 2 A widening and improvement of Bull Ring Lane such widening being on both sides thereof.

Power to deviate (street works).

**66.** In the construction of the street works or any part of the street works the Corporation may deviate from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Vesting and disposal of materials.

**67.** All building or other materials of houses and buildings acquired by the Corporation under the powers of this Act and all lamp-posts paving metalling and other materials in or under any street or part of a street altered diverted or stopped up and all materials obtained in the alteration of or interference with any sewer drain channel main pipe wire or apparatus shall by virtue of this Act vest in the Corporation who may appropriate and use or sell or dispose of the same or any of them.

Carriage-way foot-way sewers and other works.

**68.** Subject to the provisions of this Act the Corporation may—

(a) cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper;

(b) lay out enclose and maintain as gardens or open spaces any lands for the time being belonging to them (including the site of any portion of an existing street) adjacent to the street works; and

(c) upon the lands acquired by them under the powers of this Act and within the limits of

deviation shown on the deposited plans construct erect and provide such vaults cellars arches sewers drains subways and other works and conveniences as they may think proper for the purposes of or in connection with the street works.

A.D. 1937.

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 PART V.

—cont.

**69.** Subject to the provisions of this Act all lands which shall be acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Land laid into streets to form part thereof.

**70.**—(1) The Corporation during and for the purpose of the execution of the street works may break up and also temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same.

Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such house.

**71.** The following provisions of the Act of 1921 so far as they are applicable to the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Part of this Act and shall extend and apply to and for the purposes of this Act as if such provisions had been re-enacted with any necessary modifications in this Part of this Act (that is to say) :—

Incorporation of provisions of Act of 1921 relating to street works.

Section 70 (Subsidiary works);

Section 71 (Power to alter steps pipes areas &c.).

## PART VI.

### POWERS OF BOARD WITH RESPECT TO LANDS.

**72.** Subject to the provisions of this Act the Board may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the waterworks.

Power to Board to acquire lands compulsorily.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

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PART VI.

—cont.

Purchase by Board of additional lands by agreement.

**73.** The Board in addition to any other lands acquired by them in pursuance of this Act may with the consent of the Minister by agreement purchase take on lease acquire and hold further lands for the purposes of the water undertaking Provided that the Board shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

Power to Board to purchase lands already subject to easements.

**74.** Where under the powers of any Act the Board shall acquire any easement or right in under or through any lands for the construction of any conduit aqueduct pipe sewer or other similar work the Board may at any time thereafter if they see fit purchase by agreement from the owner thereof the lands lying over under and alongside such conduit aqueduct pipe sewer or other work.

Power to Board to retain sell &c. lands.

**75.**—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Board may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other Act or any Order relating to the water undertaking and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange Provided that the Board shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :



Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Board in any case in which such consent would have been required if this Act had not been passed.

A.D. 1937.

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PART VI.

—cont.

(2) Nothing in this section shall release the Board or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Board or any person from or through whom the Board may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

76. The Board may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Board shall apply the same either—

Proceeds  
of sale by  
Board of  
surplus  
lands.

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loans except to such extent and upon such terms as may be approved by the Minister; or

(b) in such other manner as may be approved by the Minister.

77. The Board on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other

Reserva-  
tion of  
easements  
&c.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART VI.  
—cont.

Dwelling-houses for employees and offices.

reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

**78.** The Board may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of the water undertaking and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Board for the purposes of the water undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Board for those purposes.

PART VII.

POWERS OF CORPORATION WITH RESPECT TO LANDS.

Power to Corporation to acquire lands compulsorily.

**79.** Subject to the provisions of this Act the Corporation may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the street works or for the provision of space for the erection of buildings adjoining or near to the street works or for providing substituted sites or facilities or for the purposes of recoupment.

Extension of Corporation's powers of purchasing lands by agreement.

**80.** The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

Additional power to Corporation to acquire lands compulsorily.

**81.** Subject to the provisions of this Act the Corporation may enter upon take and use for the purpose of providing halls offices and other buildings to be used for transacting the business of the Corporation and for public meetings and assemblies or for the purpose of erecting shops offices and other buildings in connection with such halls and first mentioned offices and other buildings all or any part of the lands numbered

on the deposited plans 20 to 54 (inclusive) in the borough and described under the said numbers in the deposited book of reference.

A.D. 1937.

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PART VII.

—cont.

**82.** And whereas in the construction of the street works or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto therefore the following provisions shall have effect:—

Owners  
may be  
required to  
sell parts  
only of  
certain  
lands and  
buildings.

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

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PART VII.

—cont.

specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :

- (4) If the tribunal determines that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determines that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determines that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determines that the portion of the scheduled property specified in the notice

to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

A.D. 1937.

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PART VII.

—cont.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any of the scheduled properties.

**83.** In determining the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of the street works or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to be set off against compensation.

**84.** The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any premises abutting on any portion of the street works or of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands (including any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not

Power to Corporation to make agreements with owners of premises.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART VII.

—cont.

required for the street works) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands required by the Corporation for the purposes of this Act.

Further powers to Corporation for acquisition of lands.

**85.**—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands (whether situate within or without the borough) which in their opinion it is desirable that the Corporation should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

Powers to Corporation with reference to leases of lands.

**86.**—(1) The Corporation may accept a surrender of any lease or letting granted by them of any lands for the time being vested in them and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of the lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion:

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.*)  
Act, 1937.

Provided that the Corporation shall not without the consent of the Minister lease any such lands at a rent or for a consideration less than the current market value of such lands but a lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

A.D. 1937.

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PART VII.

—cont.

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any lease of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

**87.**—(1) The Corporation may lay out and develop any lands acquired by them under the powers of this Act for the purposes of Part V (Street works &c.) of this Act (including lands acquired for the improvement and development of frontages or of any lands abutting on or adjacent to any street) and not required for the street works and (with the consent of the Minister) any other lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands.

Power to  
Corpora-  
tion to  
develop  
lands.

(2) The Corporation may use or dispose of the building or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

**88.**—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

Dwelling-  
houses for  
persons in  
Corpora-  
tion's  
employ-  
ment.

(2) Nothing in this section shall empower the Corporation to create or permit a nuisance.

A.D. 1937.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

PART VII.

—cont.

15 & 16  
Geo. 5. c. 20.

Proceeds of  
sale by  
Corpora-  
tion of  
surplus  
lands.

(3) Nothing in this section shall alter or affect the operation of section 80 of the Law of Property Act 1925.

**89.**—(1) The Corporation may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act or in such other manner as is authorised by this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

PART VIII.

GENERAL PROVISIONS WITH RESPECT TO LANDS.

Interpretation  
for purposes  
of Part VIII  
of Act.

**90.** In this Part of this Act the expression “the undertakers” means the Board or the Corporation as the case may require.

Persons  
under  
disability  
may grant  
easements  
&c.

**91.** 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 undertakers 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 or over or affecting any such lands and the provisions of the Lands Clauses 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.



**92.** If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the undertakers after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and if the lands are situate in the borough such certificate shall be deposited with the town clerk and if the lands are situate in the administrative county of the Parts of Lindsey Lincolnshire such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall also be deposited with the clerk of the county district in which the lands are situate and if the lands are situate in a rural parish having a parish council also with the clerk of that council and such certificate and duplicate ~~respectively shall be kept~~ by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the undertakers to take the lands and execute the works in accordance with the certificate.

**93.** The undertakers and their surveyors officers and workmen and any person duly authorised in writing under the hand of their clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the premises authorised by this Act to be taken and used by the undertakers or any of such premises for the purpose of surveying and valuing the said premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said premises.

A.D. 1937.

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PART VIII.

—*cont.*

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

Power to  
enter upon  
property  
for survey  
and  
valuation.

A.D. 1937.

PART VIII.

—cont.

Compensation in case of recently created interest.

94. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the nineteenth day of November nineteen hundred and thirty-six if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Limit of time for compulsory purchase of lands

95. The powers of the undertakers for the compulsory purchase of lands under the powers of this Act shall cease on the first day of October nineteen hundred and forty-two.

Extinction of private rights of way.

96. All private rights of way over any lands which the undertakers are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the undertakers be extinguished :

Provided that the undertakers shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

#### PART IX.

##### SUPPLY OF WATER.

Limits of supply.

97. The limits of this Act for the supply of water by the Board shall be—

- (a) the borough;
- (b) the borough of Cleethorpes; and
- (c) the parishes of Ashby-cum-Fenby Aylesby Barnoldby-le-Beck Bradley Brigsley Great Coates Habrough Healing Humberston Immingham Irby Laceby Stallingborough Waltham and Weelsby in the rural district of Grimsby all in the county of Lincoln.

98. Notwithstanding anything in section 35 of the Waterworks Clauses Act 1847 the water supplied by the Board need not at any time be delivered at a greater height than fifty feet above the level of the ground on which the house supplied is situate.

A.D. 1937.

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 PART IX.  
 —cont.

Limits of pressure.

99.—(1) The Board 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 domestic purposes at rates not exceeding the rates hereinafter specified (that is to say):—

Rates for supply of water Domestic purposes.

Where the net annual value of the dwelling-house or part of a dwelling-house so supplied does not exceed twenty pounds the rate of seven pounds ten shillings per centum per annum upon such net annual value;

Where such net annual value exceeds twenty pounds the rate of six pounds per centum per annum upon such net annual value.

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

(2) The net annual value of any such dwelling-house or part of a dwelling-house as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.) Act, 1937.*

A.D. 1937.

—  
PART IX.  
—cont.

(3) In addition to the foregoing rates the Board may charge for every watercloset beyond the first (for which no additional charge shall be made) in any dwelling-house or part of a dwelling-house supplied with water a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons in any dwelling-house or part of a dwelling-house supplied with water a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Board may think fit. The additional sums which may be charged under this subsection shall be recoverable at the like dates and in the same manner as the water rate.

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

**100.** Where two or more houses or buildings or parts of a house or building or of two or more houses or buildings connected by any means of communication not being a highway repairable by the inhabitants at large are in the occupation of one and the same company body firm or person they shall be deemed for the purpose of determining the amount of the water rate or the water charges chargeable by the Board in respect of any supply of water for domestic purposes furnished by the Board to any one or more of such two or more houses or buildings or such two or more parts of a house or building or of two or more houses or buildings to be one tenement having a net annual value equal to the aggregate of the net annual values of the separate houses or buildings or parts of a house or building or of houses or buildings so occupied.

Rates and charges payable by owners of small houses.

**101.**—(1) Where (a) the net annual value of a house supplied with water does not exceed thirteen pounds or (b) the house is let to a monthly or weekly tenant or a tenant holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Board so determine pay the rate or charge for the supply but the rate or charge may be recovered by the Board from the occupier and may if so recovered and if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner:

Provided that—

- (i) no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate or charge;
- (ii) the Board shall make to any such owner who pays the water rate or charge due in respect of any such house before the expiration of one-half of the period in respect of which the rate or charge is payable or such later date as may be prescribed by the Board an allowance equal to five per centum of the amount of such rate or charge;
- (iii) as respects houses of a net annual value not exceeding thirteen pounds the Board shall make the same determination in relation to all houses of the same net annual value and as respects houses let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the Board shall make the same determination in relation to all houses so let of the same net annual value.

(2) The provisions of section 73 (Tenants under existing leases to repay the owner) of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

**102.** The Board may supply water for other than domestic purposes on such terms and conditions as the Board 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 water rates 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.

A.D. 1937.

—  
PART IX.  
—cont.

Supply by  
measure.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART IX.

—cont.

Price of supply by measure.

**103.** The price to be charged for a supply of water by measure shall not exceed two shillings per thousand gallons Provided that the Board shall be entitled to charge a minimum sum of one pound in any quarter of the year for water supplied by measure otherwise than under the sections of this Act of which the marginal notes are respectively "Supply to houses partly used for trade &c." and "Charges for supplies for refrigerating apparatus &c."

Supply to houses partly used for trade &c.

**104.**—(1) The Board shall not be bound to supply with water otherwise than by measure—

- (a) any premises used as a house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required;
- (b) any public institution;
- (c) any hospital sanatorium school club hostel assembly hall place of public entertainment restaurant or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910;
- (d) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

10 Edw. 7. & 1 Geo. 5. c. 24.

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

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

Charges for supplies for refrigerating apparatus &c.

**105.**—(1) Where a person who takes a supply of water for domestic purposes from the Board otherwise than by measure desires to use any of the water so supplied for—

- (a) a water-cooled refrigerating apparatus; or

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

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

A.D. 1937.

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PART IX.

—cont.

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

(i) be taken by measure and paid for accordingly  
and in that event the minimum quarterly charge  
for the water shall be ten shillings; or

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

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

**106.**—(1) Where a person who takes a supply of  
water for domestic purposes from the Board desires  
to use the water for horses or washing carriages or motor  
cars or for other purposes in stables garages or premises  
where horses carriages or motor cars are kept the Board  
may if a stand-pipe or tap be fixed on such premises  
charge (except where the water so used is taken by  
measure) such sum not exceeding ten shillings per  
annum as they may prescribe and (where more motor  
cars than one are kept) a further sum not exceeding  
five shillings per annum for each motor car beyond the  
first Provided that if a hose-pipe or other similar  
apparatus be used in connection with the said stand-pipe  
or tap the Board may charge an additional sum not  
exceeding fifteen shillings per annum as they may  
prescribe and (where more motor cars than one are kept)  
a further additional sum not exceeding five shillings per  
annum for each motor car beyond the first.

Charges for  
horses and  
washing  
vehicles.

(2) Any sums chargeable under this section shall be  
in addition to the rates authorised for the supply of water  
for domestic purposes and shall be recoverable in all  
respects with and in the like manner as the said rates.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.) Act, 1937.*

A.D. 1937.

—  
PART IX.  
—cont.

(3) Where water supplied by the Board to a person who takes a supply both for domestic purposes and by measure for trade or other purposes is used by him by means of a stand-pipe or tap or hose-pipe or other similar apparatus for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Board may if they think fit require that all water so used by means of any such stand-pipe or tap or hose-pipe or other apparatus shall be taken by measure and paid for accordingly.

Supplies to swimming baths and bathing pools.

**107.** Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Board may require that all water required for such swimming bath or bathing pool shall be taken by measure and paid for accordingly.

Special terms for supplies to caravans shacks &c.

**108.**—(1) Notwithstanding anything in any Act relating to the Board a person shall not be entitled to demand or continue to receive from the Board a supply of water to any caravan shack hut tent or other like structure unless he has—

(a) agreed with the Board to take a supply of water by measure and to pay to the Board such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him; and

(b) secured to the reasonable satisfaction of the Board by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order



by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

A.D. 1937:

—  
PART IX.

—cont.

**109.** The Minister may if he thinks fit from time to time on the application of the Board or of a local authority having jurisdiction within the water limits by order vary either by way of increase or decrease the rates and charges for the supply of water which the Board are by this Part of this Act authorised to charge :

Revision of  
rates and  
charges.

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

**110.**—(1) The Board may demand water rates and charges by half-yearly instalments in advance on the first day of April and the first day of October in each year but so that the same shall not be recoverable until the expiration of two months from the said first day of April and the first day of October respectively.

Dates for  
payment  
of water  
rates &c.

(2) (a) The Board may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any water rate or charge or any instalment thereof from every person who pays the same within such time after demand of the rate or any instalment thereof as the case may be as the Board may prescribe.

(b) Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such water rate or charge or any instalment thereof shall be demanded.

(c) Notice of any rate of discount allowed under this enactment shall be endorsed on every demand note for water rates and charges.

(3) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate or charge is paid during any part of the period for which the rate or charge is payable shall

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

—  
PART IX.  
—cont.

not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Board.

(4) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable or who being in occupation of any such premises shall commence to take a supply of water for domestic purposes after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

Cisterns.

**111.** Section 54 of the Waterworks Clauses Act 1847 shall apply and be in force within the water limits as respects all premises not connected at the passing of this Act with the mains transferred to and vested in the Board under the provisions of this Act notwithstanding that the water to be supplied by the Board be constantly laid on under pressure and any cistern which any person supplied with water by the Board may be required to provide under the said section as applied by this section shall be of a capacity to hold twenty-four hours' supply of water for the premises of such person.

Cleansing  
of cisterns.

**112.** The Board may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing food or drink for the use of man.

Separate  
communi-  
cation pipes  
may be  
required.

**113.—**(1) The Board shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit by notice in writing require the owner of any house to lay a separate pipe from the main pipe into that house.

(2) If the owner of any house supplied with water by the Board fails within a period of one month after the receipt of a notice under subsection (1) of this section to provide a separate pipe from the main pipe into that house the Board may themselves do the work necessary

in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

A.D. 1937.

—  
PART IX.

—cont.

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

Mainten-  
ance of  
common  
pipe.

**115.** Notwithstanding anything in any Act relating to the Board the Board shall have the exclusive right of executing any works on any of the water mains of the Board for connecting any communication pipe therewith and the Board shall at the request of any owner or occupier of any premises who is entitled to be supplied with water by the Board execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and any expenses incurred by the Board in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Board to  
connect  
communi-  
cation  
pipes with  
mains.

**116.—(1)** In the case of all premises connected after the passing of this Act with the mains of the Board the Board may in cases where the communication pipes are laid by the person requiring the supply or by the Board at his request require such person at the time when the pipes are laid to insert or to have inserted and thereafter to maintain a stop-cock (which expression where used in this section shall include the necessary covers or boxes for giving access and protection thereto) in the communication pipe from the said premises in some position as near as is reasonably possible to the point at which such pipe passes the boundary of the street or to the point at which such pipe enters the said premises in or under the street whichever of those points is the nearer to the main of the Board from which the

Stop-cocks  
&c. to be  
fitted in  
communica-  
tion pipes.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.  
—  
PART IX.  
—cont.

supply is given to the said premises and if such person fails to comply with such requirement the Board may insert and maintain a stop-cock in such communication pipe and recover the reasonable expenses incurred by them in so doing from such person as a civil debt.

(2) For the purpose of complying with any obligation under this section to insert or to maintain a stop-cock and for the purpose of maintaining any existing stop-cock in a communication pipe from any premises within the water limits the person liable shall have the like power to open the ground as is conferred upon him by and subject to the provisions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

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

Notice of  
discontinu-  
ance.

**117.** A notice to the Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Board or be given by the consumer personally at the office of the Board.

Byelaws for  
preventing  
waste &c.  
of water.

**118.**—(1) The Board may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "fittings") to be used and forbid any arrangements and the use of any fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Board afford or are prepared on demand to afford a constant supply.

A.D. 1937.  
—  
PART IX.  
—cont.

(3) In so far as any byelaws made by the Board prescribe the size nature materials workmanship and strength of fittings the same shall not apply to fittings used on any premises belonging to a railway company (other than premises to which the Board are bound under the Waterworks Clauses Act 1847 to afford a supply of water for domestic use) so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Board.

(4) In case of failure of any person to observe such byelaws as are for the time being in force the Board may if they think fit after twenty-four hours' notice in writing enter the premises of or occupied by such person and by and under the direction of their duly authorised officer repair replace or alter any fittings 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 recoverable by the Board as the water rates in respect of the premises are recoverable.

**119.**—(1) In addition to the powers conferred by the last preceding section of this Act the Board may make byelaws as to the testing and stamping of taps cocks ferrules valves flushing cisterns flushing apparatus and other similar fittings and apparatus (in this section referred to as "fittings") and prescribing the charge for such testing and stamping.

Extension  
of powers  
for  
preventing  
waste &c.  
of water.

(2) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any fittings used on any premises which form part of the railway of a railway company so long as such fittings do not cause waste undue consumption misuse or contamination of water which is supplied by the Board.

(3) Any person who shall forge or counterfeit any stamp or mark used by the Board or by the authority of the Board for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

PART IX.

—cont.

Power to Board to repair communication pipes.

**120.** If in the opinion of the Board any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Board are not under obligation to maintain it shall be lawful for the Board to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Board for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Board from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable. Provided that except in case of emergency the Board shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Power to sell meters.

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

Notice to Board of connecting or disconnecting meters.

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

**123.**—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate or charge is charged and sought to be recovered by the Board. Provided always that if the Board 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 the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

(2) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Board shall be paid by or to the Board to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Board.

**124.**—(1) 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 Board 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 Board shall (without prejudice to any other right or remedy for the protection of the Board) be liable to a fine not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained.

(2) Where any person has been convicted of an offence under subsection (1) of this section the Board 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 ensuring the

A.D. 1937.

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PART IX.

—cont.

Register of  
meters to  
be prima  
facie  
evidence.

Injuring  
meters &c.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART IX.  
—cont.

proper registering by such meter or other instrument 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 paid to the Board by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board 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.

Penalty  
for closing  
valves and  
apparatus.

**125.** Every person who without the consent of the Board shall wilfully or negligently close or shut off any valve cock or other work or apparatus belonging to the Board whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Board) be liable on conviction to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for  
opening  
valves and  
apparatus.

**126.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Board who shall without the authority of the Board turn on any valve cock or other work or apparatus attached to any main or pipe connected with any main of the Board and provided or available for the purposes of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Extension  
of power to  
inspect  
premises.

**127.** In addition to the powers conferred by section 57 (Power to surveyor employed by undertakers to enter houses to inspect &c.) of the Waterworks Clauses



[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.*)  
Act, 1937.

Act 1847 any duly authorised officer of the Board may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under that section or this section he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and be liable to a penalty under this section.

A.D. 1937.

—  
PART IX.  
—cont.

**128.**—(1) The Board may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations or byelaws and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Board in providing such materials and executing such work shall be paid by the person requiring the same.

Power to  
supply  
fittings.

(2) If any fittings let for hire by the Board shall bear either a distinguishing metal plate affixed to them or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Board as the actual owners of the fittings those fittings shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

(3) All fittings let for hire by the Board notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises shall if they bear a plate brand or mark such as is mentioned in the preceding subsection at all times continue to be the property of and removable by the Board :

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART IX.  
—cont.

(4) Provided also as follows :—

- (a) The Board shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (b) Every sum charged by the Board in respect of the provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note delivered by the Board to the consumer;
- (c) The total sums expended and received by the Board in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the Board for that year.

Power to remove meters and fittings.

**129.** The Board by their agents or workmen after forty-eight hours' notice in writing under the hand of the clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Board is laid or fixed and through or in which the supply of water is from any cause other than the default of the Board discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Opening of ground by person liable to maintain pipes &c.

**130.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain or repair any pipe or apparatus used for the supply of water from the works of the Board the person liable to maintain the same shall have the like power to open the ground as is conferred upon him

by and subject to the provisions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

A.D. 1937.  
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PART IX.  
—cont.

(2) The Board by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street may subject to the like conditions execute such works on behalf of such owner or occupier and any expenses incurred by the Board shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

**131.** The Board may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Act and any highway

Power to lay pipes in private streets.

authority within the meaning of the Local Government Act 1929 which would be the highway authority in respect of such street if it had been dedicated to public use shall be deemed to be (in addition to any other persons) the persons having the control or management of any such street not being a street belonging to a railway company :

19 & 20  
Geo. 5. c. 17.

Provided that the powers of this section shall not be exercised in relation to any promenades or public walks (not dedicated to public use) vested in or under the control of the Cleethorpes Corporation except with the consent of that corporation but such consent shall not be unreasonably withheld and if any difference arises as to whether such consent is unreasonably withheld such difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers :

Provided also that the powers of this section shall not be exercised in regard to any street belonging to a railway company except with the consent of that company but such consent shall not be unreasonably withheld nor shall the Board in carrying out any works authorised by this section unreasonably obstruct or interfere with the access to any such street.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

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PART IX.  
—cont.

As to  
streets  
forming  
boundary  
of water  
limits.

**132.**—(1) Where the water limits are bounded by or abut upon any street or part of a street wholly outside those limits the Board may for the purpose of supplying water to the owner or occupier of any premises abutting upon that street or part of a street and being within the water limits exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the water limits subject nevertheless to the observance of the conditions imposed on an exercise of those powers.

(2) The owner and occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Board and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the water limits.

(3) Nothing in this section shall entitle or require the Board to supply water to the owner or occupier of any premises abutting upon any such street and being outside the water limits.

(4) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Supply of  
water by  
Board to  
premises  
outside  
water limits.

**133.**—(1) If the owner or occupier of any premises outside the water limits desires to obtain from the Board a supply of water the Board may with the approval of the Minister and subject to the provisions of this section and to such conditions (if any) as the Minister may impose supply water to those premises.

(2) Before an application is made to the Minister for an approval under this section the Board shall obtain the consent of the county council and of the council of the county borough or county district within whose area the premises are situate and of any undertakers

authorised by an Act or Order to supply water within whose limits of supply the premises are situate.

A.D. 1937.

PART IX.

—cont.

(3) The charge made by the Board for any water supplied for any purpose in pursuance of this section shall not be less than the charge which would be made by the Board for water supplied for a similar purpose within the water limits.

(4) Where the Minister has given his approval to a supply of water to any premises by the Board under this section the provisions of the Acts and Orders from time to time relating to the Board shall subject to any necessary modifications apply in relation to the laying of pipes for affording a supply to those premises and otherwise for the purposes of and in relation to that supply as if the water limits extended as far as and so as to include the premises in respect of which a supply approved by the Minister is to be given.

(5) (a) Where the Minister has given his approval to a supply of water to any premises by the Board under this section such approval shall cease to have effect and the powers of the Board under this section shall cease with respect to those premises when the local authority within whose area or the undertakers for the supply of water within whose limits of supply the premises are situate are able and willing to give a supply of water to such premises and give not less than one month's notice thereof to the Board.

(b) When such local authority or undertakers commence to supply water to any premises in pursuance of this subsection they shall pay to the Board the expenditure incurred by the Board in giving a supply to the premises as may be agreed or failing agreement as may be determined by arbitration and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

## PART X.

### FINANCIAL PROVISIONS RELATING TO BOARD AND CONSTITUENT AUTHORITIES.

**134.** In this Part of this Act the expression "financial year" means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March in the next following year.

Interpre-  
tation for  
purposes of  
Part X of  
Act.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART X.  
—cont.

Power to  
Board to  
borrow.

**135.** The Board may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all money so borrowed within such periods as the Board may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment.
(a) For the purchase of the undertaking of the company (including any moneys payable by the Board on capital account under the section of this Act of which the marginal note is "Board to pay debts and to be entitled to rents after transfer") and for defraying the costs and expenses incident to the negotiations for and to such purchase and to the transfer of the undertaking of the company to the Board (other than so much of the costs of this Act as is payable by the Board) and for the payment of any sums payable by the Board to the company or to any officer or servant by way of compensation under this Act or the scheduled agreement.	The sum requisite.	Fifty years from the date or respective dates of borrowing.
(b) For the construction of the water-works— Wells &c. . . . .	£7,500	Forty-five years from the date or respective dates of borrowing.
Pumping machinery . . . . .	£5,000	Fifteen years from the date or respective dates of borrowing.
(c) For working capital for the water undertaking.	£10,000	Ten years from the date or respective dates of borrowing.
(d) For the payment of so much of the costs charges and expenses of this Act as is payable by the Board.	The sum requisite.	Five years from the passing of this Act.

**136.**—(1) The provisions of Part IX (Borrowing) of the Local Government Act 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Part of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

A.D. 1937.

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PART X.  
—cont.

Application  
of Local  
Government  
Act 1933 to  
borrowing  
of money  
by Board.

(a) the Board were a local authority within the meaning of the said Act of 1933;

(b) the money so borrowed were borrowed under the said Part IX; and

(c) the revenues of the Board were the general rate fund or the revenues of the local authority;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purpose of this section :

Provided that it shall not be obligatory on the Board to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (a) (b) and (c) mentioned in the section of this Act of which the marginal note is “Power to Board to borrow” until the thirty-first day of March next but one after the day of completion.

(2) The periods mentioned in the third column of the table contained in the said section of this Act of which the marginal note is “Power to Board to borrow” shall as respects any money borrowed under that section respectively be the fixed period for the purposes of the said Part IX.

**137.** For the purposes of the definition of “statutory securities” in section 218 (Definitions) of the Local Government Act 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

As to  
securities  
of Board.

**138.**—(1) On the passing of this Act there shall by virtue of this section be created so much stock to be called Grimsby Cleethorpes and District Water Board redeemable three and one-half per centum stock (in this section called “water stock”) as may be necessary to give effect to the section of this Act of which the marginal note is “Power to debenture stockholders to require issue of substituted stock.”

Creation of  
stock as  
part con-  
sideration  
for transfer.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

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PART X.  
—cont.

(2) Such water stock shall be transferable by deed in multiples of one pound and shall be entitled to interest at the rate of three and one-half per centum per annum as from the day of transfer payable upon the first day of April and the first day of October in each year until redemption and shall be redeemed by the Board at par at the expiration of thirty years from the day of transfer but the Board may purchase such stock or any part thereof by agreement with the holders at any time.

(3) Such water stock and all interest accrued or to accrue due thereon shall be charged on the revenues of the Board.

(4) The regulations of the Minister made in pursuance of section 204 of the Local Government Act 1933 and for the time being in force shall subject to the provisions of this Act apply to the issue transfer and redemption of and other dealings with the stock created by virtue of this section as if the same were stock duly created and issued by the Board under the provisions of Part IX of the said Act of 1933 (as applied to the Board) with the consent of the Minister in exercise of a statutory power to borrow a sum of money equal to the nominal value of such stock and as if as respects that money the fixed period for the purposes of the said Part IX were the period of fifty years from the date of transfer :

Provided that the amounts of the several contributions from the revenues of the Board payable in each year for the redemption and extinction or purchase and extinction of stock issued under this section shall be determined by paragraph (a) of article 7 (1) of the Local Authorities (Stock) Regulations 1934 and the rate per centum per annum for the purposes of those provisions shall be three pounds or such other rate as the Minister may from time to time approve.

(5) For the purpose of raising money for the redemption of such water stock the provisions of section 216 (Power to reborrow) of the said Act of 1933 shall extend and apply to the Board as if—

(a) the Board were a local authority within the meaning of the said Act of 1933;



(b) the Board had previously borrowed a sum of money equal to the nominal value of such stock; and

(c) the fixed period as respects that money were the period of fifty years from the date of transfer.

(6) Trustees executors administrators and all persons holding debenture stock of the company in any representative or fiduciary capacity may hold water stock in substitution for debenture stock of the company under the powers of this Act and are hereby indemnified for all acts bona fide done by them in pursuance of the provisions of this Act.

**139.** Notwithstanding anything in this or any other Act the Board may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

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

(2) In the accounts of the Board an amount equal to interest calculated at such a rate per centum per annum as may be determined by the Board to be equal as nearly as may be to the rate of interest which would be payable on

A.D. 1937.

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PART X.

—cont.

Use of  
moneys  
forming  
part of  
sinking and  
other funds.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.) 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART X.  
—cont.

a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the purpose with reference to which the moneys are so used :

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

Consoli-  
dated loans  
fund.

140.—(1) Notwithstanding anything in any Act or Order the Board may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (a) all moneys borrowed by the Board whether by the issue of mortgages stock or other security in connection with the exercise of any statutory borrowing power ;
- (b) all moneys of a capital nature received by the Board whether from the sale of capital assets or otherwise except such as are applied by the Board with due authority to another capital purpose ; and
- (c) the appropriate sums provided in each year out of other funds of the Board to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt :

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

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

- (a) in the redemption of stock or any other securities issued by the Board the purchase of stock for

extinction or the repayment of any moneys  
borrowed by the Board; and

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

A.D. 1937.

PART X.

—cont.

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

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

(4) The Board may pay into the consolidated loans  
fund any moneys forming part of any reserve super-  
annuation or other similar fund (in this section referred  
to as "the lending fund") and not for the time being  
required and such moneys shall be deemed to be moneys  
borrowed by the Board within the meaning of sub-  
section (1) of this section and shall be used accordingly  
subject to the following conditions:—

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

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

[Ch. xli.] *Grimsby Corporation (Grimsby' [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART X.

—cont.

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

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

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

(b) Any scheme approved under this subsection may be altered amended or revoked by a scheme approved in like manner and subject to the like provisions as the original scheme.

Power to constituent authorities to lend money to Board.

141.—(1) Any of the constituent authorities may with the consent of the Minister and on such terms and conditions and in such form as may be agreed between the Board and the constituent authority lend to the Board any sum or sums which the Board are empowered to borrow by the section of this Act of which the marginal note is "Power to Board to borrow" or under the provisions of the Local Government Act 1933 as applied to the Board.

(2) Any of the constituent authorities may from time to time independently of any other borrowing power borrow at interest such sums as may be requisite for the purpose of providing any sum or sums which they may with the consent of the Minister lend to the Board under the provisions of this section.

Expenditure of Board.

142.—(1) Before the commencement of every financial year or half-year as they may determine or so soon thereafter as may be practicable the Board shall make or cause to be made an estimate of the probable revenue which will be received during the year or half-year in respect of the water undertaking and of the probable expenditure which will be incurred by the Board for any of the purposes (a) (b) (c) (d) (e) and (f) set out in subsection (1) of the section of this Act of which the marginal note is "Application of moneys

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.*)  
*Act, 1937.*

received by Board” and if such estimate shows such revenue to be less than such expenditure the Board are hereby authorised and required in every case forthwith to apportion an amount equal to the deficiency (whether such deficiency arises from past or probable future liabilities) between the constituent authorities in proportion to the respective amounts which are the equivalent of a rate of one penny in the pound of a general rate (calculated as on the preceding first day of April according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925) levied in the respective districts of the constituent authorities.

A.D. 1937.

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PART X.  
—cont.

15 & 16  
Geo. 5. c. 90.

(2) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precept or by instalments of such amounts and payable within such times as may be specified in the precepts pay to the Board the amounts so apportioned to them respectively.

(3) If any of the constituent authorities fail to pay any amount so apportioned or as the case may be any instalment of such amount as may have been specified in any such precept within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of five per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

- (a) The Board may sue the defaulting constituent authority for the amount unpaid in any court of competent jurisdiction;
- (b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting constituent authority such sum (the amount to be specified in the precept) as in the opinion of the Board

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART X.  
—cont.

will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rates and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of requiring officers of the defaulting constituent authority to account as the defaulting constituent authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting constituent authority.

(4) Any receiver appointed under the Local Government Act 1933 upon the application of the mortgagees of the Board shall be entitled so long as his appointment remains to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amount so apportioned.

Application  
of moneys  
received by  
Board.

**143.**—(1) All moneys received by the Board in respect of the water undertaking except (i) borrowed money (ii) money arising from the disposal of lands acquired for the purposes of this Act and (iii) other capital money received by them in respect of the water undertaking shall be applied by them in manner and in the order following (that is to say):—

- (a) in payment of the working and establishment expenses and cost of maintenance of the water undertaking including all costs expenses penalties and damages incurred or payable by the Board consequent upon any proceedings by or against them their officers clerks or servants in relation to the water undertaking;

A.D. 1937.

PART X.  
—cont.

(b) in payment of the interest on money—

(i) borrowed by the Board under this Act including the interest on any stock created by virtue of the section of this Act of which the marginal note is “Creation of stock as part consideration for transfer”; or

(ii) used in pursuance of the sections of this Act of which the marginal notes are respectively “Use of moneys forming part of sinking and other funds” and “Consolidated loans fund”;

(c) in providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board under this Act or in respect of the said stock;

(d) in payment of all other expenses of executing this Act so far as it relates to the Board not being expenses properly chargeable to capital;

(e) in providing working capital (if the Board think fit);

(f) in providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and (unless the money so set aside is used or applied in any other manner authorised by this Act) investing the same in statutory securities until the fund amounts to a sum equal to ten per centum of the aggregate capital expenditure for the time being on the water undertaking. The reserve fund shall be applicable from time to time to meet any extraordinary claim or demand at any time arising against the Board in respect of the water undertaking or for payment of the cost of renewing improving or extending any part of the works forming part of or otherwise for the benefit of the water undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so on as often as the reduction happens. All interest received in any

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

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PART X.  
—cont.

year from investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the Board but the reserve fund shall in that year be increased by a sum equal to the amount of such interest except to the extent that such interest would raise the reserve fund above the prescribed maximum. Provided that resort may from time to time be had to the reserve fund for any of the purposes aforesaid although such fund may not at the time have reached or may have been reduced below the prescribed maximum;

(g) in repayment to the constituent authorities of any amounts paid by them respectively pursuant to the provisions of subsection (2) of the section of this Act of which the marginal note is "Expenditure of Board" in the same proportion as those amounts bear to one another. Any amount so repaid to a constituent authority shall be carried to the credit of the general rate fund of the district of that constituent authority.

(2) The balance remaining over in any year (including any balance brought forward) shall be carried forward to the following year and if such balance exceeds two thousand pounds the excess shall be applied in extending improving and constructing (if the Board think fit) any works for the purposes of the water undertaking or in reducing the rates and charges of the Board for a supply of water in such manner as the Board may think fit.

(3) The Board shall subject to the provisions of this Act make such rates and charges as will enable them to meet their expenses.

As to  
collection  
of rates &c.

144.—(1) The Board and any of the constituent authorities may enter into and carry into effect agreements with respect to the collection by such authority of the rates and charges which the Board are authorised to levy and take for and in connection with the supply of water and any agreement under this section may



with respect to the whole or any part of such rates and charges provide for all or any of the following matters (that is to say):—

A.D. 1937.

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PART X.  
—cont.

- (a) that the authority may levy and recover such rates and charges as though they were payable to the authority and not to the Board and may include such rates and charges in any demand note for rates payable to them;
- (b) that the authority may pay the money received in respect of such rates and charges to their own treasurer;
- (c) that all accounts and records of the authority in respect of such rates and charges shall be audited as part of the accounts of the authority;
- (d) that the authority shall make periodical payments to the Board by way of advance in respect of such rates and charges in such instalments and at such dates as may be agreed; and
- (e) that the authority shall keep a running account with the Board and shall account to the Board for the difference between the sums ultimately ascertained to be due to the Board and the payments made to the Board by way of advance.

(2) A constituent authority authorised to levy and recover rates and charges in pursuance of subsection (1) of this section shall have the same powers as the Board for such purposes.

**145.**—(1) The Board shall from time to time appoint and pay one or more persons to act as auditor or auditors of the accounts of the Board but no person shall be qualified to be so appointed unless he is a member of one or more of the bodies mentioned in paragraph (b) of subsection (3) of section 239 of the Local Government Act 1933 Any auditor or auditors appointed by the Board under the provisions of this

Audit.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. section and for the time being holding office is or are in this section referred to as "the appointed auditor."

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PART X.  
—cont.

(2) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Board and may be for such period and on such terms as to remuneration and otherwise as the Board may think fit.

(3) The capital and revenue accounts of the Board shall be made up for each financial year and shall be audited by the appointed auditor and he shall be entitled to require from any officer of the Board all such papers books accounts vouchers information and explanations as may be necessary for the performance of his duties.

(4) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Board such observations and recommendations (if any) as he may deem necessary or expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Accounts to be furnished to constituent authorities.

**146.** As soon as practicable after the completion of every financial year the clerk shall forward to the clerk to each of the constituent authorities an abstract of the accounts of the Board for that year.

Power to grant allowances or gratuities in certain cases.

15 & 16  
Geo. 5. c. 84.

**147.**—(1) The Board may if they think fit in cases not within the Workmen's Compensation Act 1925 and not within a scheme established under the Local Government and other Officers' Superannuation Act 1922 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' salary or wages) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which

the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

A.D. 1937.

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 PART X.

—cont.

**148.** The Board may pay out of their revenues as expenses incurred by them under this Act—

Subscrip-  
 tions to  
 associa-  
 tions and  
 payment of  
 certain  
 expenses.

(a) reasonable subscriptions (whether annually or otherwise) to the funds of any association of water boards or water undertakers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply or of the officers of any such undertakers or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to water undertakers and any reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings; and

(b) reasonable expenses in connection with the public opening of works of the Board or works from which the Board are entitled to a supply of water.

PART XI.

FINANCIAL PROVISIONS RELATING TO CORPORATION.

**149.**—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine

Power to  
 Corporation  
 to borrow.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. not exceeding the respective periods mentioned in the third column of the said table (that is to say):—

—  
PART XI.  
—cont.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For the execution of the street works	£ 1,400	Thirty years from the date or respective dates of borrowing.
(b) For the acquisition of lands - -	68,000	Sixty years from the date or respective dates of borrowing.
(c) For the payment of so much of the costs charges and expenses of this Act as is not payable by the Board.	The sum requisite.	Five years from the passing of this Act.

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

Consolidated loans fund.

**150.**—(1) Notwithstanding anything in this Act or any other Act or any Order the Corporation may if they think fit establish a fund to be called the consolidated loans fund to which shall be paid—

- (a) all moneys borrowed by the Corporation whether by the issue of mortgages stock or other security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

(c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

A.D. 1937.

PART XI.

—cont.

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

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

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

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

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

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

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve capital reserve renewals repairs depreciation contingency insurance accident superannuation or other similar fund (in this section referred to as "the lending fund") and not for the time being required and such moneys shall

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

—  
PART XI.  
—cont.

be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

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

(b) there shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

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

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

(b) Any scheme approved under this subsection may be altered amended or revoked by a scheme approved in like manner and subject to the like provisions as the original scheme.

(7) The scheme approved by the Minister under section 72 (Consolidated loans fund) of the Act of 1929 for putting into operation the powers conferred by that section shall be deemed to have been made under subsection (6) of this section.

Closing of  
transfer  
books.

**151.**—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.*)  
*Act, 1937.*

thirty days or any shorter period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

A.D. 1937.  
—  
PART XI.  
—cont.

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

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

Dividend  
warrants by  
post.

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

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

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

45 & 46 Vict.  
c. 61.

**153.**—(1) Notwithstanding anything in this or any other Act or in any Order all moneys received by the Corporation whether on capital or revenue account

Receipts  
and  
expenses.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. including (but without prejudice to the generality of this provision)—

PART XI.  
—cont.

(a) all money received on account of the revenue of any undertaking of the Corporation as from time to time existing from which revenue is derived; and

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve or as a capital reserve renewals repairs depreciation contingency insurance accident consolidated loans or other similar fund (including any amounts payable to any such fund in pursuance of the section of this Act of which the marginal note is "Consolidated loans fund");

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

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

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

Accounts.

**154.**—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section



separately referred to as "the undertaking") and as to revenue shall show under a separate heading or division on the one side all income in respect of the undertaking (including the interest and other annual proceeds received by the Corporation on the investments representing or forming part of any such fund provided in connection with the undertaking as is referred to in paragraph (b) of subsection (1) of the last preceding section) and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts representing—

A.D. 1937.  
—  
PART XI.  
—cont.

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of the section of this Act of which the marginal note is "Consolidated loans fund";
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) credited to reserves or to a reserve fund provided in respect of the undertaking;
- (f) any money expended or applied for any of the purposes mentioned in the next succeeding section.

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

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.) Act, 1937.*

A.D. 1937.

PART XI.

—cont.

Application of revenue of undertakings.

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

- (a) in the reduction of capital moneys borrowed for the purposes of the undertaking; and
- (b) in the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking.

Reserve funds.

**156.**—(1) The Corporation may (if they think fit) provide a reserve fund in respect of any undertaking of the Corporation as from time to time existing from which revenue is derived by setting aside in any year in which the moneys received by the Corporation on account of the revenue of that undertaking exceed the moneys expended by the Corporation in respect of that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Act of which the marginal note is "Accounts" such an amount not exceeding a sum equal to that excess as they may from time to time think reasonable and (unless the amounts so set aside are applied in any manner authorised by this Act)

investing the same in statutory securities until the fund so provided amounts—

A.D. 1937.

PART XI.  
—cont.

(a) in the case of the electricity undertaking of the Corporation to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking; and

(b) in the case of any other undertaking to the maximum reserve fund for the time being prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any of the undertakings of the Corporation and which is in existence on the first day of April nineteen hundred and thirty-seven shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

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

(a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(c) (subject in the case of the electricity undertaking of the Corporation to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

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

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

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART XI.  
—cont.

Surplus  
electricity  
revenue.

62 & 63 Vict.  
c. 19.  
16 & 17  
Geo. 5. c. 51.

**157.**—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the fifth schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking of the Corporation (in addition to the provisions of the section of this Act of which the marginal note is “Application of revenue of undertakings”) (namely):—

If in respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is “Receipts and expenses” provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) (e) and (f) of subsection (1) of the section of this Act of which the marginal note is “Accounts” then—

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

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

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

A.D. 1937.

PART XI.

—cont.

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

**158.** The sections of this Act of which the marginal notes are respectively—

Date of  
operation  
of certain  
sections.

“Receipts and expenses”;

“Accounts”;

“Application of revenue of undertakings”;

“Reserve funds”; and

“Surplus electricity revenue”;

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-seven.

**159.**—(1) The Corporation may (if they think fit) establish a fund to be called “the insurance fund” with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

Insurance  
fund.

(a) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;

(b) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART XI.  
—cont.  
43 & 44 Vict.  
c. 42.

- (c) Risk of explosion in respect of boilers;
- (d) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;
- (e) Risks of injury to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises provided or maintained by the Corporation;
- (f) Risks of mechanical or electrical breakdown at or in connection with any of the works of the Corporation;
- (g) Risks of loss due to infidelity of officers or servants of the Corporation;
- (h) Risk of damage to property of the Corporation by aircraft;
- (i) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

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

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

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

or any part of all or any of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

A.D. 1937.  
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PART XI.  
—cont.

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

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the insurance fund in the manner provided in the foregoing paragraph of this subsection shall be carried to and form part of the general rate fund.

(c) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is less than two hundred thousand pounds pay into that fund out of the general rate fund an amount equal to the interest and other annual proceeds received

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.  
—  
PART XI.  
—cont.

by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund.

(d) If and so long as the insurance fund amounts to two hundred thousand pounds the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund shall be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the risks provided for under paragraph (d) of subsection (1) of this section risks of accident to any teacher employed in any public elementary school maintained by the Corporation notwithstanding that such school has not been provided by the Corporation as the local education authority.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest such sums of money as will be necessary to make up the deficiency. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

Capital  
reserve  
fund.

**160.**—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose



of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the undertakings of the Corporation as from time to time existing from which revenue is derived) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation may from time to time deem expedient:

A.D. 1937.  
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PART XI.  
—cont.

Provided that—

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

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

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

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by proviso (b) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

**161.**—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called the “renewal and repairs fund” any sum not exceeding the equivalent of a rate of one penny in the pound

Renewal  
and repairs  
fund.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.) 1 GEO. 6.] Act, 1937.*

A.D. 1937. calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925.

PART XI.  
—cont.

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

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers equipment and apparatus in connection therewith and the maintenance and repair of buildings which are not comprised in the undertakings of the Corporation as from time to time existing from which revenue is derived and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses :

26 Geo. 5. & 1 Edw. 8. c. 51. Provided that nothing in this section shall apply to buildings in respect of which the Corporation are required by the Housing Act 1936 to keep a housing repairs account.

(4) Any moneys standing to the credit of any existing fund formed by the Corporation for the purposes for which the renewal and repairs fund is authorised to be formed shall be carried to the credit of that fund in the accounts of the Corporation.

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

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

**162.** The Corporation may pay out of the general rate fund and general rate— A.D. 1937.

- PART XI.  
—cont.
- (a) Reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings; Subscriptions to local government associations and other expenses.
- (b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

## PART XII.

### MISCELLANEOUS PROVISIONS RELATING TO BOARD.

**163.** The Board on the one hand and the constituent authorities or any of them on the other hand may enter into and carry into effect agreements for or with respect to any of the purposes or provisions of this Act. Agreements.

**164.** Where under any Act or Order from time to time relating to the Board the Board give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Board.

**165.** The provisions of section 250 to 252 of the Local Government Act 1933 shall with all necessary modifications apply to all byelaws made by the Board under the powers of this Act and for that purpose the Confirmation of byelaws.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. Board shall be deemed to be a local authority within the meaning of the said Act of 1933 and the confirming authority in relation to any such byelaws shall be the Minister.

PART XII.  
—cont.

Recovery of water rates &c. from persons removing.

**166.** If a justice is satisfied on complaint by any officer of the Board that any person is quitting or about to quit any premises in the water limits and has failed to pay on demand any water rate or charge which may be due from him and intends to evade payment of the same by departing from the district the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Evidence of appointments authority &c.

**167.** Where in any legal proceedings taken by or on behalf of or against the Board or any officer servant solicitor or agent of the Board or any committee of the Board under any Act or Order from time to time relating to the Board it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee of the Board or to prove any resolution or order of the Board or any resolution order or report of any committee of the Board a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Board or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Extension of section 303 of Public Health Act 1875 and section 160 of Local Government Act 1933 to Board.

**168.**—(1) Section 303 of the Public Health Act 1875 shall extend and apply to and the powers thereof may be exercised by the Board as if they were within the meaning of that section the local authority for a district consisting of the water limits and on the application of the Board the Minister may make such orders as he is by that section empowered to make on the application of a local authority.

(2) The Minister may by means of a Provisional Order made by him and confirmed by Parliament

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
 1 GEO. 6.] *Cleethorpes and District Water &c.*)  
*Act, 1937.*

authorise the Board to acquire land compulsorily for any purposes of the water undertaking and for that purpose section 160 (Compulsory purchase of land by means of a Provisional Order) of the Local Government Act 1933 shall extend and apply as if the Board were a local authority within the meaning of that section.

A.D. 1937.  
 —  
 PART XII.  
 —cont.

(3) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this Act.

**169.** Section 123 (Disclosure by officers of interest in contracts) section 266 (Contracts of local authorities) and section 277 (Appearance of local authority in legal proceedings) of the Local Government Act 1933 and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members and officers of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Act were purposes of the Public Health Act 1875 and the said Act of 1933.

Incorporation of sections 123 266 and 277 of Local Government Act 1933 and section 265 of Public Health Act 1875.

**170.** A judge of a 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.

Judges not disqualified.

**171.** The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act as if such powers were conferred by and such consents were required to be given under the Local Government Act 1933 and section 290 (Power of Government departments to direct inquiries) of that Act shall apply accordingly.

Inquiries by Minister.

**172.—(1)** The Board shall have power to promote or oppose any Bill in Parliament or any Provisional Order or Special or other statutory Order.

Power to promote or oppose Bills &c.

(2) The Board may pay the cost and expenses of and incidental to the promotion of or opposition to any such Bill in Parliament or the promotion of or opposition to any such Provisional Order or Special or other statutory Order as taxed by the taxing officer of the

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. House of Lords or of the House of Commons out of their revenues as part of their working expenses Provided that—

PART XII.  
—cont.

(a) No expenses in relation to the promotion of any such Bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by an absolute majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in a newspaper circulating in the district in which the works of the Board are situate such notice to be in addition to the ordinary notices required for summoning such meeting;

(b) No further expenses shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and unless in the case of the promotion of a Bill the propriety of such promotion shall have received the approval of the Minister.

Authenti-  
cation and  
service of  
notices by  
Board.

**173.** Any notice to be served by the Board on a person supplied with water shall be sufficiently authenticated by the signature of the clerk or other officer of the Board for the time being authorised in writing by the Board being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name of either the clerk or such other officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry

unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

A.D. 1937.  
 —  
 PART XII.  
 —cont.

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

Damages and charges to be settled by court.

**175.** Proceedings for the recovery of any demand made by the Board under the authority of this Act whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or tort.

Recovery of demands.

**176.** Where the payment of more than one sum by any person is due under this or any other Act or any Order from time to time in force relating to the Board any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Several sums in one summons.

**177.** For the protection of the county council of the administrative county of Lincoln Parts of Lindsey (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the Board have effect with respect to the execution by the Board of any works under the authority of this Act or the exercise by the Board of any of the powers of this Act affecting any highway or bridge (that is to say):—

For protection of Lindsey County Council.

(1) In this section—

“highway” means a county road situate in the rural district of Grimsby;

“bridge” means a bridge in the said rural district vested in or repairable by the county council;

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART XII.

—cont.

“ apparatus ” includes any main or pipe (other than a communication pipe) post wire conductor or other works or apparatus of the Board ;

“ the surveyor ” means the surveyor of the county council :

- (2) All apparatus (other than replacements of existing apparatus) to be laid underground in or along any highway shall be laid in such position at the side thereof or where necessary under the metalled portion of the highway but in such case at a depth of not less than three feet below the surface thereof as the county council shall by writing under the hand of the surveyor reasonably direct and in the case of any main or pipe shall not be constructed or laid in upon or across any bridge or any arch connected therewith but shall be carried over the stream river or other place crossed by such bridge by means of wrought iron riveted tubing (or other suitable method to be agreed on between the parties) alongside of and attached to such bridge or arch :
- (3) All apparatus to be constructed or laid in along or across or in any way affecting any highway or bridge or any approach thereto shall be executed under the superintendence (if the same be given) and to the reasonable satisfaction of the surveyor and in accordance with plans sections and specifications to be submitted to and reasonably approved of by him in writing before the commencement of the work and all such plans sections and specifications shall be delivered to the surveyor not less than seven days before the Board commence to break up or open any highway for the purpose of constructing or laying the apparatus Provided that if the surveyor shall not within seven days after the same shall have been submitted so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof :



(4) The works hereinbefore referred to shall be so executed and all necessary repairs to any apparatus shall be so executed as not in any way to stop or unreasonably to interfere with or impede the traffic on any highway or bridge or any approach thereto and all such works shall be proceeded with and completed with all reasonable dispatch and during the construction or laying of any apparatus every reasonable precaution shall be taken to avoid danger or injury to persons or cattle or stock using the highway :

(5) Notwithstanding anything contained in this Act it shall be lawful for the county council at any time or times to alter the level of divert widen or improve any highway and also to remove alter widen or renew any bridge or the approaches thereto in alongside or near to which any apparatus is carried or placed in the same manner as they might have altered the level of diverted widened or improved removed altered or renewed any such highway or bridge or the approaches thereto if this Act had not been passed and the Board shall with all reasonable speed after receiving notice in writing under the hand of the surveyor alter the position of any such apparatus in such manner and to such extent as the county council may reasonably require Provided that the cost of carrying out any works necessary for the purpose of complying with any requirement of the county council pursuant to the foregoing provisions of this subsection—

(a) in the case of the alteration of any apparatus existing at the passing of this Act shall be borne and paid by the Board; and

(b) in the case of the alteration of any other apparatus (i) where such alteration is in connection with an alteration of level or diversion widening or improvement of a highway (other than a bridge or the approaches thereto) shall be repaid to the Board by the county council and (ii) where

A.D. 1937.

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PART XII.

—cont.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART XII.

—cont.

such alteration is in connection with the removal alteration widening or renewal of a bridge or the approaches thereto shall be borne and paid by the Board :

Provided also that before and during such diversion widening improvement removal alteration or renewal of any such highway or bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such apparatus along the highway or across the stream river or other place so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such apparatus :

- (6) The county council shall not be liable for or in respect of any damage or injury done to any apparatus in or under the metalled portion of any highway arising from the ordinary use by the county council of a steam or other roller not exceeding twelve tons in weight or from the passage of the traffic on such highway :
- (7) If any difference shall arise between the Board and the county council under this section (other than a difference as to the meaning or construction thereof) such difference shall be referred to and determined by an arbitrator to be agreed upon between the Board and the county council or failing agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination :
- (8) Such of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes as are inconsistent with the provisions of this section shall not apply as between the county council and the Board.

**178.** The following provisions for the further protection of the London and North Eastern Railway Company (in this section called "the company") shall unless otherwise agreed in writing between the Board and the company apply and have effect (that is to say) :—

A.D. 1937.

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PART XII.

—cont.

For further protection of London and North Eastern Railway Company.

- (1) Where under the powers of this Act the Board execute any works either of construction or (except in cases of emergency) of maintenance upon across over under or in any way affecting the railways bridges or other works of the company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the company and except in cases of the repair of mains pipes or other works of the Board only according to plans sections and specifications submitted to and previously reasonably approved by him Provided that if the said engineer does not express his approval or disapproval of such plans sections and specifications within twenty-one days after the same shall have been submitted to him he shall be deemed to have approved thereof :
- (2) The Board shall restore and make good the roads over any bridge level crossing and approach which the company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Board and all such works matters and things shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches and other works and so as not to cause any interruption to the passage or conduct of the traffic over such railways or at any station thereon :
- (3) If any injury or interruption shall arise from or be in any way owing to any of the acts or operations of the Board in connection with the matters and things aforesaid or the bursting leakage or failure of any of such mains pipes or works under or near to any such bridge

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.) 1 GEO. 6.] Act, 1937.*

A.D. 1937.

PART XII.

—cont.

or level crossing the Board shall make compensation in respect thereof to the company the amount of such compensation together with full costs to be recoverable from the Board by all and the same means as any simple contract debt is recoverable :

- (4) The Board shall bear and on demand pay to the company the reasonable expense of the employment by the company during the execution of any work affecting their railways bridges or other works of a reasonable number of inspectors watchmen and signalmen to be appointed by the company for watching and signalling the same with reference to and during the execution of any such work of the Board and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Board or their contractors :
- (5) In case the company in pursuance of any powers existing at the passing of this Act require to alter or widen any of their railways upon across over under or in places where the Board shall have placed any such mains or pipes the Board shall at their own expense on receiving reasonable notice in that behalf from the company divert such mains or pipes to admit of such alteration or widening as aforesaid or will permit the company to do the same and repay the company the costs thereof :
- (6) Any difference which may arise between the Board and the company under this section shall be determined by an arbitrator to be appointed on the application of either party after notice in writing to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

Works  
below high-  
water mark  
not to be

**179.** The Board shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
 1 GEO. 6.] *Cleethorpes and District Water &c.)*  
*Act, 1937.*

of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Board shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Board and the amount of such costs and charges shall be a debt due from the Board to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

A.D. 1937.

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 PART XII.

—cont.

constructed without consent of Board of Trade.

### PART XIII.

#### MISCELLANEOUS PROVISIONS RELATING TO CORPORATION.

**180.**—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired from or leased by them for the purpose of enabling or assisting him to erect buildings on such lands provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the lands with the intended buildings erected thereon.

Power to Corporation to advance money for erection of buildings.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 of the Housing Act 1935 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and the purchaser or lessee.

25 & 26  
 Geo. 5. c. 40.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

PART XIII.

—cont.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums then due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced when a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipt for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

(6) Any person authorised by the Corporation in writing for the purpose shall have power to enter the building in respect of the erection of which any advance is made by the Corporation at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of the erection of which such advance is made and the land upon which

the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

A.D. 1937.

PART XIII.

—cont.

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

Power to establish information bureaux.

(2) The expenditure of the Corporation under this section shall not in any one year exceed the amount which would be produced by a general rate of one halfpenny in the pound levied in the borough during that year.

**182.**—(1) In this section—

“neglected site” means the site of a demolished building in the borough which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood.

As to neglected sites.

(2) A court of summary jurisdiction on complaint by the Corporation may order the owner of any neglected site to remove any rubbish resulting from the demolition of the building within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected site and execute the order.

(4) All expenses incurred by the Corporation under subsection (3) of this section in relation to a neglected site may be recovered by the Corporation from the owner of the neglected site summarily as a civil debt.

**183.** If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general

Recovery of rate &c. from persons removing.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. rate or any electricity charge which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

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PART XIII.  
—cont.

Consents of Corporation to be in writing.

**184.** The consents given by the Corporation under the provisions of any local Act Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Powers of Act cumulative.

**185.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

PART XIV.

GENERAL.

Crown rights.

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

Inquiries by Minister.

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

Recovery of penalties &c.

**188.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable



[1 EDW. 8. & Grimsby Corporation (Grimsby [Ch. xli.]  
1 GEO. 6.] Cleethorpes and District Water &c.)  
Act, 1937.

under this Act or any byelaw made in pursuance thereof  
may be prosecuted and recovered in a summary manner  
Provided that the costs or expenses except such as are  
recoverable along with a penalty shall not be recovered  
as penalties but may be recovered summarily as civil  
debts.

A.D. 1937.

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PART XIV.

—cont.

**189.** The following sections of the under-mentioned Acts are hereby repealed :—

Repeal.

The Act of 1921—

- Section 77 (Further powers for acquisition of lands);
- Section 177 (Application of revenue of tramway and trolley vehicle undertakings);
- Section 180 (Fire insurance fund);
- Section 181 (Establishment of compensation insurance fund).

The Act of 1929—

- Section 72 (Consolidated loans fund);
- Section 78 (Application of revenue and payment of expenses of undertakings);
- Section 79 (Application of Electricity (Supply) Act 1926);
- Section 80 (Accounts);
- Section 81 (Reserve funds).

**190.** All the costs charges and expenses of the Corporation the Cleethorpes Corporation and the rural council or any of them preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act (but not in the case of the Cleethorpes Corporation or the rural council of opposing the Bill for this Act) as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the Corporation out of the general rate fund and general rate but so much of such costs charges and expenses as are incurred in respect of or in connection with the provisions contained in Part II (Establishment constitution and proceedings of Board)

Costs of Act.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.) Act, 1937.*

A.D. 1937. Part III (Transfer of undertaking) Part IV (Waterworks &c.) Part VI (Powers of Board with respect to lands)  
—  
PART XIV. Part IX (Supply of water) Part X (Financial provisions  
—cont. relating to Board and constituent authorities) and Part XII (Miscellaneous provisions relating to Board) shall be repaid to the Corporation by the Board out of the moneys to be borrowed by them under the authority of this Act and the balance may be paid by the Corporation ultimately out of moneys to be borrowed by them under the authority of this Act.

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.)*  
*Act, 1937.*

The SCHEDULES referred to in the  
foregoing Act.

A.D. 1937.

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FIRST SCHEDULE.

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AN AGREEMENT made the sixth day of March 1937 between the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF GRIMSBY (hereinafter called "the Corporation") of the one part and the GREAT GRIMSBY WATER WORKS COMPANY LIMITED (hereinafter called "the Company") of the other part.

WHEREAS the Company were on the 19th day of November 1862 incorporated under the Companies Act 1862 :

And whereas the Company have constructed waterworks and under and by virtue of the Great Grimsby Waterworks Act 1863 and the Great Grimsby Water Order 1906 (confirmed by the Gas and Water Orders Confirmation Act 1906) are supplying water within limits of supply which comprise the county borough of Grimsby the borough of Cleethorpes and the parishes of Aylesby Bradley Great Coates Habrough Healing Immingham Laceby Stallingborough Waltham and Weelsby in the rural district of Grimsby :

And whereas the authorised capital of the Company is two hundred and fifty thousand pounds divided into twenty-five thousand shares of ten pounds each of which fifteen thousand shares have been issued and are fully paid up and ten thousand shares have been issued on which three pounds per share has been paid up :

And whereas the Company have created debenture stock to the aggregate nominal amount of sixty thousand pounds carrying interest at the rate of three and one-half per centum per annum and thirty thousand pounds of the said stock and no more has been issued by the Company and is outstanding which thirty thousand pounds of debenture stock is hereinafter referred to as "the Company's debenture stock" :

And whereas in the session of 1935-36 the Company promoted a Bill in Parliament under the name or short title of "the Great Grimsby Water Bill 1936" (hereinafter called "the Company's Bill") :

And whereas the Corporation and others presented petitions to the House of Lords against the Company's Bill and the Company's Bill was not permitted to proceed :

And whereas the Corporation by their counsel gave an undertaking to the committee of the House of Lords to which

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

—  
1st SCH.  
—cont.

the Company's Bill was referred that the Corporation would promote in Parliament in the session of 1936-37 a Bill for an Act (hereinafter called "the intended Act") providing for the transfer of the undertaking of the Company to the Corporation either alone or in conjunction with the mayor aldermen and burgesses of the borough of Cleethorpes (hereinafter called "the Cleethorpes Corporation") and the rural district council of Grimsby (hereinafter called "the rural council") or either of the two last named authorities:

And whereas the Bill for the intended Act has been introduced into Parliament under the name or short title of "the Grimsby Corporation (Grimsby and District Water &c.) Bill" and it is thereby proposed to incorporate a Board consisting of representatives of the Corporation the Cleethorpes Corporation and the rural council and to transfer to and vest in the Board incorporated by the intended Act (hereinafter called "the Board") the undertaking of the Company:

And whereas the Company subject as hereinafter provided have agreed with the Corporation to sell to the Board as a going concern the undertaking of the Company on the terms and conditions hereinafter contained:

Now this agreement witnesseth and it is hereby mutually agreed between the Corporation and the Company as follows (that is to say):—

1. In this agreement—

"The day of transfer" means the first day of July nineteen hundred and thirty-seven;

"The undertaking of the Company" means the undertaking of the Company for the supply of water and includes—

(a) All the lands buildings waterworks waters sources of supply works machinery mains pipes plant spare parts apparatus vehicles stock in trade stores furniture chattels effects deeds agreements contracts plans blue prints specifications engineers' opinions and reports books records vouchers letters and other documents belonging to the Company on the day of transfer;

(b) All bank balances and cash and other balances (including consumers' deposits) in the hands of the Company or in the hands of their bankers agents or servants on the day of transfer and investments and securities for money;

(c) All rates rents book debts and other sums of money which on the day of transfer are due or payable to or are accruing due to the Company;

(d) All estates rights powers easements interests and privileges vested in or had or enjoyed by the Company at the day of transfer;

(e) All other the real and personal property belonging to the Company on the day of transfer; but does not include—

(i) the directors' minute books and other books and papers relating exclusively to the shareholders in and the constitution of the Company which may be necessary to be retained for the purpose of winding up the Company;

(ii) ten thousand pounds out of the investments or money standing to the credit of the reserved fund of the Company at the day of transfer;

(iii) such a sum of money as may be required to enable the Company to declare and pay a dividend at the rate of ten per centum per annum (less income tax) on their fully paid shares and on the amount paid up on their partly paid shares in respect of the portion of the period from the thirtieth day of June nineteen hundred and thirty-six to the day of transfer for which a dividend shall not have been paid by the Company;

“The town clerk” means the town clerk of Grimsby;

“The day of completion” means the first day of July nineteen hundred and thirty-seven or the forty-second day after the passing of the intended Act whichever shall be the later.

2. Subject to the provisions of this agreement the Company shall sell to the Board and the Board shall purchase as a going concern the undertaking of the Company free from all mortgages debentures debenture stock or other similar charges.

3.—(1) The consideration for the sale of the undertaking of the Company shall be the payment by the Board to the Company on the day of completion of the sum of four hundred and fifty thousand pounds in cash together with interest thereon calculated from the day of transfer to the day of completion at the rate of four per centum per annum (less income tax).

(2) The Board shall as further part of the said consideration on the day of completion pay to the Company a sum in cash of an amount equal to the amount by which the nominal value of any stock of the Board to be issued pursuant to clause 4 of this agreement falls short of thirty thousand pounds together with interest on the said sum calculated from the day of transfer to

A.D. 1937.

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1ST SCH.  
—cont.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937. the day of completion at the rate of three and one-half per centum per annum (less income tax).

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1ST SCH.  
—cont.

4.—(1) If any person who immediately before the passing of the intended Act is the registered holder of any of the Company's debenture stock or his executors or administrators desires the whole or any part of the Company's debenture stock of which he is the holder to be exchanged for three and one-half per centum stock of the Board and of such his desire shall within fourteen days after the date of the passing of the intended Act give to the Board notice in writing in that behalf the Board shall issue to such person or his executors or administrators three and one-half per centum stock of the Board (in this clause called "water stock") at the rate of one hundred pounds of water stock in respect of every one hundred pounds of the Company's debenture stock and so in proportion for any smaller sum and the Company's debenture stock so exchanged shall be deemed to be cancelled.

(2) Water stock shall be transferable by deed in multiples of one pound and shall be entitled to interest at the rate of three and one-half per centum per annum as from the day of transfer payable upon the first day of April and the first day of October in each year until redemption and shall be redeemed by the Board at par at the expiration of thirty years from the day of transfer but the Board may purchase such stock or any part thereof by agreement with the holders at any time.

(3) Water stock and all interest accrued or to accrue due thereon shall be charged on the revenues of the Board.

(4) The regulations of the Minister of Health made in pursuance of section 204 of the Local Government Act 1933 and for the time being in force shall subject to the provisions of the intended Act apply to the creation issue transfer and redemption of and other dealings with water stock as if the same were stock duly created and issued by the Board under the provisions of Part IX of the said Act of 1933 (as applied to the Board by the intended Act) with the consent of the Minister of Health.

5. The said purchase shall be completed at the offices of the town clerk and possession of the undertaking of the Company shall be given to the Board on the day of completion and the Company (if and so far as the undertaking of the Company shall not be or become transferred to and vested in the Board without any assurance by or in pursuance of the intended Act) shall execute all assurances and do all things reasonably required by the Board for the carrying into effect of the sale and purchase and duly transferring to and vesting in the Board the undertaking of the Company and for letting the Board into

[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.*)  
*Act, 1937.*

possession thereof and giving them the full benefit of this agreement and the Company shall procure the execution of such assurances by all other necessary parties (if any).

A.D. 1937.

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1st Sch.

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6. If for any reason other than the wilful default of the Company the purchase shall not have been completed on the day of completion the Board shall pay to the Company interest on the consideration money or such part thereof as remains unpaid at the rate of five per centum per annum from the day of completion to the date of actual payment.

7.—(1) Until the day of transfer the Company shall maintain and carry on their undertaking as heretofore in the ordinary course of business and in accordance with the provisions of this agreement maintaining the assets of their undertaking in satisfactory condition including normal quantities of consumable stores.

(2) On and from the day of transfer the undertaking of the Company shall be deemed to have been managed and carried on and the same shall be managed and carried on until the day of the actual completion of the transfer by the Company in the ordinary course of business and in accordance with the provisions of this agreement for the benefit and on behalf of the Board and accordingly all moneys received and paid by the Company after the day of transfer shall (subject as in this agreement provided) be deemed to be received and paid for and on account of the Board and the Board shall pay and discharge and indemnify the Company against all expenses liabilities and engagements whatsoever of the Company incurred or entered into by the Company in the ordinary course of business and in accordance with the provisions of this agreement after the day of transfer for the purposes of and in the course of so carrying on the undertaking of the Company.

8. As from the date of this agreement the Company shall not without the previous consent of the Corporation in writing under the hand of the town clerk—

- (a) enter into any contract or incur any liability other than in respect of legal accountancy and engineering charges incidental to the carrying into effect of this agreement and other than in the ordinary course of carrying on their undertaking or make any unnecessary or exceptional expenditure;
- (b) raise any money by borrowing or charge or dispose of or distribute any of their assets or create or issue any capital debentures or debenture stock;
- (c) vary any rates rents or charges which were being demanded or taken by the Company on the first day of July nineteen hundred and thirty-six;

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

1ST SCH.  
—cont.

- (d) increase the remuneration salaries or emoluments of the directors auditors officers or servants of the Company beyond their usual remuneration salaries and emoluments at the rate operative on the first day of July nineteen hundred and thirty-six;
- (e) grant any pensions or retiring gratuities.

9. The Company shall not declare or pay any dividend on their capital in respect of any period prior to the thirtieth day of June nineteen hundred and thirty-six but the Company shall be entitled to declare and pay out of their revenue balances dividends on their fully paid shares and on the amount paid up on their partly paid shares from the said thirtieth day of June nineteen hundred and thirty-six up to the day of transfer at a rate not exceeding ten per centum per annum (less income tax).

10. The Company on the day or dates upon which they forward to the directors notice of any meeting of the board of directors of the Company at which the provision of any new works or any matters involving the policy of the Company are to be discussed shall forward the like notice to the town clerk and the Corporation may appoint two councillors or aldermen together with the town clerk to attend any such board meeting and the Company on being notified by the town clerk shall admit such councillors or aldermen and the town clerk to any such meeting of the board of directors.

11. In addition to the consideration money for the said sale the Board shall on the day of completion pay to the Company the sum of twelve thousand five hundred pounds in cash which sum shall be applied as full compensation for loss of office to the persons who were on the first day of July nineteen hundred and thirty-six the directors the auditor or auditors and the secretaries of the Company and such sum shall be divided between such persons and in such proportions as the directors or the majority of the directors shall determine.

12. The receipt in writing of two directors of the Company for any money paid to the Company under this agreement shall effectually discharge the Board 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 and if for any cause the Board are unable to obtain any such receipt they may pay the money due to the Company into or with 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 the intended Act and any receipt given to the Board by the cashier of the said bank



[1 EDW. 8. & *Grimsby Corporation (Grimsby* [Ch. xli.]  
1 GEO. 6.] *Cleethorpes and District Water &c.*)  
*Act, 1937.*

for the money shall have the same effect as a receipt of two directors of the Company.

13. The Board shall pay and discharge (so far as the same shall not have been previously discharged by the Company) the debts outgoings and liabilities incurred by the Company (other than debts outgoings and liabilities in respect of any mortgages debentures debenture stock or similar charges or in respect of any contract agreement liability or other obligation made or entered into in contravention of the provisions of clause 8 of this agreement) properly chargeable against the Company and the Board shall be entitled as from the day of transfer to all rates rents profits and other receipts receivable in respect of the undertaking of the Company.

14. The Board shall on the day of completion take over the officers and servants (other than the directors secretaries and auditors) of the Company in the regular employment of the Company in connection with the undertaking of the Company immediately before the day of completion (in this clause referred to as an "existing officer" and an "existing servant") and on and from the day of completion every existing officer and existing servant unless he desires voluntarily to relinquish his office or situation shall hold his office or situation by the same tenure and upon like terms and conditions under the Board as he would have held the same under the Company if the transfer of the undertaking of the Company had not taken place :

Provided that if within five years after the day of completion the services of any existing officer or existing servant shall be dispensed with by the Board because his services are not required and not on account of misconduct or incapacity or the salary of any existing officer or existing servant is reduced on the ground that his duties have been diminished in consequence of the undertaking of the Company being transferred to the Board such officer or servant shall be entitled to be paid compensation based upon provisions similar to those contained in the Fourth Schedule of the Local Government Act 1933.

15. As from the date of this agreement the Company shall supply or cause to be supplied to the Corporation or their representative or representatives any information they or he may reasonably require relating to the Company's undertaking.

16. The Company shall and will assist the Corporation in the promotion of the intended Act and in furtherance of this object will supply to the Corporation all such information particulars and evidence in the possession of the Company or any of their officers and servants as the Corporation may reasonably require Provided that the Company shall be at liberty to present a petition to enable them to be heard by counsel agents and witnesses against alterations being made in this agreement :

A.D. 1937.

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1ST SCH.  
—cont.

[Ch. xli.] *Grimsby Corporation (Grimsby [1 EDW. 8. & Cleethorpes and District Water &c.] 1 GEO. 6.] Act, 1937.*

A.D. 1937.

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1ST SCH.  
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Provided nevertheless that in the event of the debenture holders presenting a petition against the Bill the Company shall be at liberty to take such steps as they may think fit in support of such petition.

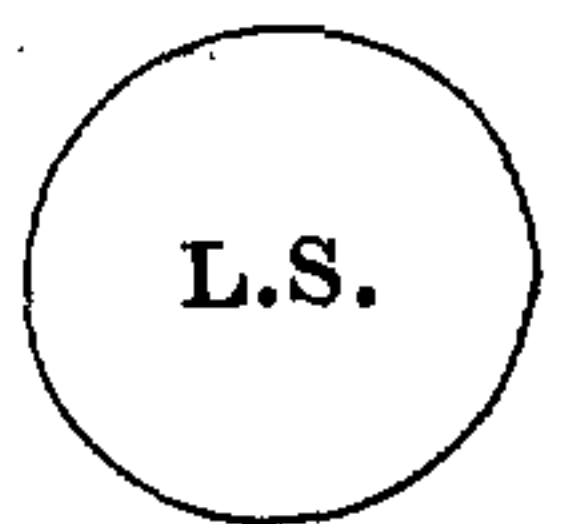
17. From and after the day of completion the Company shall subsist only for the purpose of winding up their affairs and carrying into effect the purposes of this agreement and (so far as they relate to the Company) to the carrying into effect of the provisions of the intended Act.

18. This agreement shall be scheduled to and confirmed by the intended Act and be made binding on the Company and the Board as if the Board had been a party hereto in place of the Corporation and as if this agreement had been made under the common seal of the Board.

19. This agreement is made subject to the sanction of Parliament and to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration in this agreement or in the Bill for the intended Act affecting the subject-matter of this agreement to the prejudice of either the Corporation or the Company the party so prejudiced may upon giving notice in writing to the other before the Bill for the intended Act shall be read a third time in the second House withdraw this agreement from the said Bill and in such event or if the Bill for the intended Act shall not be passed by Parliament and receive the Royal Assent this agreement shall be void and of no effect.

In witness whereof the Corporation and the Company have caused their respective common seals to be hereunto affixed the day and year first before written.

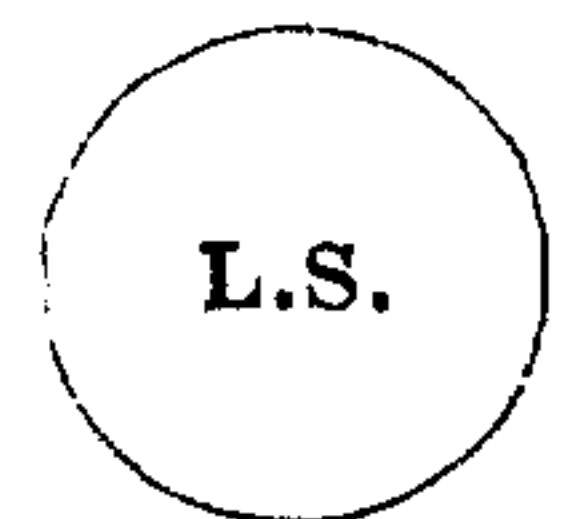
The common seal of the MAYOR ALDERMEN  
AND BURGESSES OF THE COUNTY  
BOROUGH OF GRIMSBY was hereunto  
affixed in the presence of—



T. S. STONE Mayor.

JOHN W. JACKSON Town clerk.

The common seal of the GREAT GRIMSBY  
WATER WORKS COMPANY LIMITED was  
hereunto affixed in the presence of—



JNO. C. STORE }  
SIDNEY SMITH } Directors.

GRANGE & WINTRINGHAM Secretaries.

[1 EDW. 8. & Grimsby Corporation (Grimsby [Ch. xli.]  
1 GEO. 6.] Cleethorpes and District Water &c.)  
Act, 1937.

SECOND SCHEDULE.

A.D. 1937.

DESCRIPTIONS OF PROPERTIES OF WHICH PORTIONS MAY  
BE ACQUIRED BY THE CORPORATION.

Area.	Work.	Number on deposited plans.
The borough - -	No. 2 - - -	2 3 10 and 16.

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