



CHAPTER xxxiv

An Act to authorise the Tees Valley Water Board to construct additional waterworks and to acquire lands to confer further powers upon the Board and for other purposes. [31st July 1953.]

WHEREAS—

(1) By the Tees Valley Water Acts and Orders 1907 to 1953 the Tees Valley Water Board (in this Act referred to as “the Board”) are authorised to construct certain waterworks and to supply water within a large area in the county of Durham and the North Riding of the county of York including the boroughs of Stockton-on-Tees Middlesbrough and Thornaby-on-Tees:

(2) With a view to ensuring that the Board shall be and continue to be in a position to meet the demands made upon them for the supply of water it is expedient that the Board should be empowered to construct the new works described in this Act and to abstract water by means thereof and to acquire lands for the purpose thereof:

(3) By section 36 (Compensation for water taken from river Lune) of the Tees Valley Water (Consolidation) Act 1907 the Board are required to discharge into the river Lune from the Grassholme Reservoir authorised by that Act a quantity of water not less than four thousand three hundred and fifty gallons per minute:

(4) The demand for water within the limits of supply of the Board and for supplies by them of water in bulk has increased is increasing and is likely further to increase:

(5) It is expedient that notwithstanding the construction of the new works described in this Act the quantity of compensation water which the Board are required to discharge into the

river Lune should not be increased except as provided in this Act and that the obligations of the Board in regard to the discharge of compensation water into the said river should be varied as mentioned in this Act:

(6) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the purchase of lands under the powers of this Act	48,000
For the construction of the works authorised by this Act	3,000,000
	<u>£3,048,000</u>

(7) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

(8) It is expedient to empower the corporations of Stockton-on-Tees Middlesbrough and Thornaby-on-Tees to borrow moneys for the said purposes as follows:—

	£
In the case of the corporation of Stockton-on-Tees	1,270,000
In the case of the corporation of Middlesbrough	1,524,000
In the case of the corporation of Thornaby-on-Tees	254,000
	<u>£3,048,000</u>

(9) It is expedient that the other powers contained in this Act should be conferred and that the other provisions of this Act should be enacted:

(10) The objects of this Act cannot be attained without the authority of Parliament:

(11) Plans and sections showing the lines situations and levels of the works authorised by this Act and 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 lands required or which may be taken for the purposes or under the powers of this Act have been duly deposited with the clerk of the county council of the county of the North Riding of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans the deposited sections and the deposited book of reference:

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

PART I

PRELIMINARY

1. This Act may be cited as the Tees Valley Water Act 1953 and shall be included among the enactments which may be cited together as the Tees Valley Water Acts and Orders 1907 to 1953. Short and collective titles.

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

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Works.

Part III.—Lands.

Part IV.—Supply of water.

Part V.—Financial provisions.

Part VI.—Miscellaneous.

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

(a) The Lands Clauses Acts with the following exceptions and modifications:—

(i) section 92 and sections 127 to 133 of the Lands Clauses Consolidation Act 1845 and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860 are not incorporated with this Act;

(ii) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(iii) the expression "the promoters of the undertaking" shall be construed to mean the Board;

(b) Section 16 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof:

Provided that—

(i) for the purposes of the said provisions the expression "the railway" shall be construed to mean the works authorised by this Act the expression "the centre of the railway" shall be construed

PART I
—cont.

to mean the centre line of the dam of the Selset Reservoir (Work No. 1) authorised by this Act and the expression "the company" shall be construed to mean the Board ;

(ii) any electrical works or apparatus erected or constructed under the said section 16 (as incorporated by this section) shall be so erected or constructed and so maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line ;

(c) The following provisions of the Third Schedule to the Water Act 1945 :—

Part I (Interpretation) so far as it relates to the following provisions of the said Third Schedule ;

Part II (Works and lands) except sections 3 7 8 and 9 ;

Part IV (Minerals underlying waterworks) ;

Part V (Power to lay mains &c.) ;

Part VI (Breaking open streets &c.) ;

In Part XII (Water rates and charges) section 57 ;

Part XIII (Provisions for preventing waste &c. of water and as to meters and other fittings) ;

In Part XVI (General and miscellaneous) section 94 :

Provided that the incorporated provisions of the Third Schedule to the Water Act 1945 shall be read and have effect as if—

(i) in section 2 of the said schedule for the words "the plans submitted to the Minister" there were substituted the words "the deposited plans" and for the words "the said plans" there were substituted the words "the deposited sections" ;

(ii) in section 4 of the said schedule for the words from the beginning of the section to the words "abstract water" there were substituted the words "Subject to the provisions of subsection (1) of section 7 of the Tees Valley Water Act 1923" ;

(iii) in section 12 of the said schedule for the words "after this section is incorporated with their enactments" there were substituted the words "under the special Act" for the words "all exist-

ing pipes or other conduits for the collection passage or distribution of water and underground works belonging to them" there were substituted the words "all such pipes or other conduits or underground works" and as if the words "for the time belonging to them" were omitted;

(iv) in section 57 of the said schedule for the words "prompt payment" there were substituted the words "the payment within one month of demand" and as if subsection (3) were omitted therefrom;

and for the purposes of the said incorporated provisions the expression "the undertakers" shall be construed to mean the Board.

PART I
—cont.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

(2) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

"Act of 1907" means the Tees Valley Water (Consolidation) Act 1907;

"Act of 1930" means the Tees Valley Water Act 1930;

"Act of 1933" means the Local Government Act 1933;

"Board" means the Tees Valley Water Board;

"Stockton-on-Tees Corporation" "Middlesbrough Corporation" and "Thornaby-on-Tees Corporation" mean the mayor aldermen and burgesses of the boroughs of Stockton-on-Tees Middlesbrough and Thornaby-on-Tees respectively;

"corporations" means the Stockton-on-Tees Corporation the Middlesbrough Corporation and the Thornaby-on-Tees Corporation;

"Darlington Corporation" means the mayor aldermen and burgesses of the county borough of Darlington;

"Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 and by this Act;

"North Riding" and "North Riding Council" mean respectively the administrative county of the North Riding of the county of York and the county council of that county;

PART I
—cont.

“ tribunal ” means the Lands Tribunal ;

“ undertaking ” means the undertaking of the Board as from time to time authorised ;

“ Wear and Tees River Board ” means the river board established by order made under paragraph (b) of subsection (1) of section 1 of the River Boards Act 1948 for the Wear and Tees River Board area defined by order made under paragraph (a) of subsection (1) of that section of that Act (as the same may be varied by order made under section 3 of the said Act).

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

WORKS

Power to
construct
works.

5. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the rural district of Startforth in the North Riding:—

Work No. 1—An impounding reservoir (to be called “ the Selset Reservoir ”) in the parishes of Lunedale and Mickleton to be formed by means of an embankment or dam across the river Lune commencing in the parish of Lunedale in the enclosure numbered 73 on the 1/2500 ordnance map of Yorkshire (North Riding) sheet IV 6 (edition of 1914) and terminating in the parish of Mickleton in the enclosure numbered 8 on the 1/2500 ordnance map of Yorkshire (North Riding) sheet IV 10 (edition of 1914):

Work No. 2—An access road in the parish of Lunedale commencing by a junction with the public road known as Grassholme Lane and terminating at the northern end of the dam of the Selset Reservoir (Work No. 1) authorised by this Act.

Power to
stop up roads
and footpaths.

6.—(1) The Board may stop up the roads and footpaths in the rural district of Startforth referred to in the next following table so far as the same are shown on the deposited plans as intended to be stopped up and thereupon all rights of way over the said roads and footpaths or portions thereof shall be extinguished.

Letters on plan denoting road or footpath to be stopped up	Parish	Number on plan of enclosure traversed by road or footpath
B-C	Mickleton	5.
B-D	Mickleton	6 15 16.
B-G	Mickleton	2 3.
D-E	Mickleton	16 21 20 23 19.
	Lunedale	44 40.
H-K	Lunedale	3 8 10 23 24 26 27.
K-L	Lunedale	27 29 31 35 46 48 60 61 58 57 56.
L-T	Lunedale	56 72 76 77.
M-N	Mickleton	9 10 11.
N-O	Mickleton	11 22.
P-Q	Lunedale	35 9 36 45 44 50 53.
R-S	Lunedale	53 52 51.

Provided that such roads and footpaths or portions thereof shall not be stopped up unless the Board are owners in possession of all lands on both sides thereof except so far as the owners lessees and occupiers of those lands may otherwise agree.

(2) (a) The Board may in the construction of the Selset Reservoir (Work No. 1) authorised by this Act interrupt at any point the public right of way over the road or over the footpath referred to in the next following table:—

Letters on plan denoting road or footpath to be stopped up	Parish	Number on plan of enclosure traversed by road or footpath
A-G	Mickleton	2.
F-G	Mickleton	1.
	Lunedale	1 3 9.

(b) In the event of such interruption the Board shall as soon as reasonably practicable thereafter construct at such point a bridge in order effectively to make good any such interruption of the said right of way caused by such work.

(c) Any difference arising between the Board and any body or person under this subsection shall be referred to arbitration.

(3) In this section the expression "footpath" includes a bridle-path.

7. If the works authorised by this Act and shown upon the deposited plans and sections are not completed on or before the first day of October nineteen hundred and sixty-three then as from that date the powers granted by this Act for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

PART II
—cont.

Provided that subject to the provisions of section 10 (As to taking water from gathering grounds of rivers Lune and Balder) of this Act the Board may extend enlarge alter reconstruct renew or remove any of the said works as and when occasion may require.

Works to form part of undertaking.

8. The works authorised by this Act shall for all purposes be deemed part of the undertaking.

Power to take waters.

9. Subject to the provisions of this Act the Board may divert take impound appropriate and use for the purposes of the undertaking the waters of the river Lune and such of the several feeders and tributaries thereof as may be intercepted by means of the Selsset Reservoir (Work No. 1) authorised by this Act.

As to taking water from gathering grounds of rivers Lune and Balder.

10.—(1) From and after the completion and first filling of the Selsset Reservoir (Work No. 1) authorised by this Act section 34 (Power to take waters from rivers Lune and Balder and other streams) of the Act of 1907 shall be read and have effect as if for the words “thirteen thousand three hundred and fifty” there were substituted the words “twenty-two thousand two hundred and twenty-two”.

(2) If the Board take from the gathering grounds of the river Lune and the river Balder for the purposes of supply a larger quantity of water than is authorised by the said section 34 of the Act of 1907 as amended by this section they shall be liable—

- (i) on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed; and
- (ii) on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day.

(3) As from the passing of this Act the said section 34 shall be read and have effect as if for the words “this Act” where they secondly occur there were substituted the words “the Acts and orders from time to time relating to the Board”.

As to compensation water.

11.—(1) As from the date of the completion and first filling of the Selsset Reservoir (Work No. 1) authorised by this Act section 36 (Compensation for water taken from river Lune) of the Act of 1907 shall be read and have effect as if after the words “this Act” there were inserted the words “and the Tees Valley Water Act 1953” and as if for the words “Grassholme Reservoir” there were substituted the words “Grassholme or Selsset reservoirs or one of them”.

(2) As from the said date section 38 (Compensation water to be discharged continuously) of the Act of 1907 shall be read and have effect as if for the words “Grassholme Reservoir” there were substituted the words “Grassholme or Selsset reservoirs or

one of them ” and as if for the words “ reservoir to the extent of its ” there were substituted the words “ reservoirs or one of them to the extent of their ”.

PART II
—cont.

12. The provisions of section 36 (Compensation for water taken from river Lune) and section 37 (Compensation for water taken from river Balder) of the Act of 1907 shall be deemed to have been accepted by all persons interested as full compensation for all waters which the Board may impound by the Blackton Hury and Grassholme reservoirs authorised by the Act of 1907 and by the Selset Reservoir (Work No. 1) authorised by this Act:

Further provisions as to compensation water.

Provided that if the storage capacity of the said Blackton Hury and Grassholme reservoirs or any of them be increased or the said Selset Reservoir be constructed to a height greater than that shown on the deposited plans or if an additional reservoir or reservoirs be constructed by the Board in the gathering grounds of the river Lune or the river Balder the minimum quantities of water which the Board are required to discharge into the river Lune and the river Balder under the provisions of the said sections 36 and 37 respectively of the Act of 1907 shall be increased so as to secure that a quantity of water equal to one-quarter of the reliable yield from the said gathering grounds is discharged into the said rivers.

13.—(1) Within one month after the completion and first filling of the Selset Reservoir (Work No. 1) authorised by this Act or within such other period as may be agreed between the Board the Darlington Corporation the Tees Conservancy Commissioners and the Wear and Tees River Board the Board shall remove the existing gauges constructed and maintained in pursuance of section 39 (Gauge to be constructed on river Lune) and section 40 (Maintenance of gauge on river Balder) of the Act of 1907 for the purpose of measuring the quantities of compensation water to be discharged by the Board into the river Lune and the river Balder and shall before removing the same construct new gauges (with suitable automatic recording instruments and other apparatus) of a type and at points approved by an engineer or engineers appointed for the purpose by the Darlington Corporation the Tees Conservancy Commissioners and the Wear and Tees River Board and shall thereafter at all times at their own expense maintain the new gauges in a proper state of repair.

Replacement of gauges.

(2) The following sections of the Act of 1907 shall apply and have effect in relation to the new gauges to be constructed under this section as if they were gauges referred to in those sections:—

- Section 41 (Right to inspect gauges);
- Section 42 (Repair of gauges in case of default by Board);
- Section 45 (Penalty for damaging gauges recording instruments &c.).

PART II
—cont.Power to
divert streams
etc.

14.—(1) It shall be lawful for the Board to divert and alter the course of any stream watercourse or ditch on any lands acquired or appropriated by them for the purposes of the works authorised by this Act and the existing bed banks and channel of the diverted portion of any such stream watercourse and ditch shall by virtue of this Act vest in the Board and may be appropriated and used by the Board for the purposes of or in connection with those works.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and shall pay compensation to all persons for damage sustained by them or any liability to which they may become subject by reason of the exercise of those powers and any difference as to the amount of the compensation to be paid shall be referred to and determined by an arbitrator.

(3) The provisions of this section shall be in addition to and not in substitution for or in derogation of any other provision of this Act relating to the diversion of streams watercourses or ditches.

Application of
section 145 of
Act of 1933.

15. The provisions of section 145 of the Act of 1933 shall apply with respect to the alteration of any watercourse under the powers of the last foregoing section as if the alteration was done in the exercise of powers conferred by the Land Drainage Act 1930.

Sheep
dipping and
washing.

16.—(1) If in the opinion of the Board it shall be expedient in order to preserve the purity of the waters which they are authorised to take for the purpose of the undertaking to prohibit the dipping or washing of sheep (with or without the use of chemicals) in any such waters the Board shall have power to prohibit such dipping or washing of sheep:

Provided that before the Board carry this provision into effect in respect of any place where it has been the practice to dip or wash sheep they shall give to the owners of such dipping or washing place notice in writing of their intention so to do and shall also give notice of such intention by advertisement in a newspaper circulating in the district in which such dipping or washing place is situate and shall also provide and maintain in the nearest convenient and available situation another suitable dipping or washing place and also a suitable folding place in the vicinity thereof.

(2) Any person aggrieved by any prohibition issued by the Board under this section may within three months after the issue thereof appeal to a court of summary jurisdiction held for the petty sessional division in which the prohibition is to take effect provided that he gives not less than fourteen days' notice of the appeal and the grounds thereof to the Board.

(3) On any such appeal the court shall have power to cancel the prohibition or to allow the prohibition unconditionally or subject to such conditions as to the area within which it shall take effect or as to the provision and maintenance of another suitable dipping or washing place or otherwise as they may think fit and to award costs which shall be recoverable summarily as a civil debt.

(4) A notice given under this section shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

17.—(1) The Board shall provide and maintain or cause to be provided and maintained for the workmen employed in and about the construction of the works authorised by this Act such accommodation and such arrangements for meals as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation for such workmen.

(2) The medical officer of health of the North Riding or any person authorised by him shall be entitled at all reasonable times to enter and inspect any accommodation provided under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

18. For the protection of the North Riding Council (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Board apply and have effect:—

(1) The Board shall during such period as the works authorised by this Act are in process of construction pay to the council or to the standing joint committee of the North Riding the cost of maintaining such an additional number of police as may be reasonably necessary for the due preservation of order in the area in which the works are situate in consequence of the construction of the said works:

(2) The Board shall during the said period pay to the council all expenses reasonably incurred by them as local education authority—

(a) in providing and maintaining any additional accommodation of a temporary character which may be necessary for the education of the children or dependants of workmen of the Board their contractors or agents employed in or in connection with the construction of the said works; and

PART II
—cont.

(b) in providing means of transport for such children or dependants to and from the nearest school from and to their places of abode:

- (3) In calculating any payment to be made under subsections (1) and (2) of this section regard shall be had to any sums receivable by the council or by the standing joint committee of the North Riding by way of grants in respect of the cost incurred in maintaining police as mentioned in subsection (1) or of expenses incurred in relation to the children or dependants referred to in subsection (2) of this section but so that no additional cost shall be imposed upon the council:
- (4) Any difference between the Board and the council or the said committee under this section shall be determined by arbitration.

PART III

LANDS

Power to
acquire lands.

19.—(1) Subject to the provisions of this Act the Board may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act.

(2) The powers of the Board for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-three.

Correction
of errors in
deposited
plans and
book of
reference.

20.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Board after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the North Riding for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the North Riding Council and a copy thereof shall be deposited with the clerk of the council of the rural district of Startforth and the clerk of the council of the parish in which the lands are situate and thereupon the deposited plans and the deposited book

of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Board to take the land and execute the works in accordance with the certificate.

PART III
—cont.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

21.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

Acquisition
of part only
of certain
properties.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Board that part of the house building factory park or garden.

22. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Board may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Power to
expedite
entry.

Provided that the Board shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

23. Any person acting on behalf of the Board and duly authorised by the clerk of the Board may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Power to enter
for survey or
valuation.

Provided that no land shall be entered under this section unless the Board not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

PART III
—cont.

Disregard
of recent
improvements
and interests.

24. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-two; or

(b) any interest in the land created after the said date; which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Extinction of
private rights
of way.

25.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Board compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Agreements
with adjoining
owners.

26.—(1) The Board may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the works authorised by this Act or of land that may be acquired under this Act with respect to the sale by the Board to him of any land.

(2) The Board may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Board for the purposes of this Act.

PART IV

SUPPLY OF WATER

Supply to
certain large
consumers.

27.—(1) Where the Board supply water for purposes other than domestic purposes to consumers of not less than five million gallons per quarter (hereafter in this section referred to as “the large consumers”) the terms and conditions as to price per thousand gallons which the Board shall be entitled to charge for water supplied to the large consumers otherwise than under a special agreement under section 28 (Supply to special consumers) of this Act shall as from the first day of April nineteen hundred and fifty-one be such as may be agreed between the Board and

all the large consumers or failing agreement as may be determined by arbitration and the terms and conditions other than those as to price per thousand gallons on which such water is supplied shall as from such date be such as may be agreed between the Board and the large consumer concerned or failing agreement as may be determined by arbitration.

(2) (a) The Board or a majority in number of the large consumers or any one large consumer who takes or any number of large consumers who together take the greater part of the water supplied to all the large consumers under this section may within the period of six months beginning three months before and terminating three months after the expiration of the period of five years from the said first day of April nineteen hundred and fifty-one and within a similar period of six months in respect of every subsequent period of five years and (in the case of an application by the Board) after giving notice to all the large consumers or (in the case of an application by any of the large consumers) after giving notice to the remainder of the large consumers and to the Board apply from time to time for a revision of the terms and conditions as to price per thousand gallons as originally agreed or determined as aforesaid or as revised under this subsection and on such application being made the new terms and conditions as to the price per thousand gallons which the Board shall be entitled to charge as aforesaid shall be such as may be agreed between the Board and all the large consumers or failing agreement as may be determined by arbitration.

(b) The Board or any large consumer concerned may from time to time within the periods mentioned in paragraph (a) of this subsection after giving notice to the other apply for a revision of the terms and conditions other than those as to price per thousand gallons on which water is supplied to such large consumer and on such application being made the new terms and conditions shall be such as may be agreed between the Board and such large consumer or failing agreement as may be determined by arbitration.

(3) Nothing in this section shall prevent—

- (a) the Board and all the large consumers from agreeing that such terms and conditions as to price per thousand gallons as may be agreed or determined in accordance with subsection (1) or subsection (2) of this section ; or
- (b) the Board and the large consumer concerned from agreeing that such terms and conditions other than those as to price per thousand gallons as may be agreed or determined as aforesaid ;

shall on any occasion be revised within a shorter period than five years after the date of such agreement or determination.

PART IV
—cont.

(4) Nothing in this section or in any agreement made thereunder shall prejudice alter or affect the provisions of any agreement entered into under section 28 (Supply to special consumers) of this Act or the powers of the Board or any person to enter into an agreement under such last-mentioned section.

(5) Section 17 (Supply to large consumers) of the Tees Valley Water Act 1920 shall be deemed to have ceased to have effect as from the said first day of April nineteen hundred and fifty-one and is hereby repealed.

Supply to
special
consumers.

28.—(1) Where the Board are requested to provide or increase a supply of water for purposes other than domestic purposes and by virtue of section 27 of the Water Act 1945 the Board would not be under any obligation to give such a supply or such increased supply they may notwithstanding anything in section 27 (Supply to certain large consumers) of this Act or in the said section 27 of the Water Act 1945 or in any other enactment enter into and carry into effect an agreement with the consumer concerned (hereafter in this section respectively referred to as a “special agreement” and a “special consumer”) to afford such a supply or such an increased supply to the special consumer upon such terms and conditions as may be provided in the special agreement including if so agreed provisions with regard to the making by the special consumer to the Board of contributions (whether by paying a capital sum or annual sums equivalent to loan charges or by guaranteeing the payment of loan charges either by way of an increased price of water or otherwise or in such other manner as may be agreed) in respect of the whole or part of the cost incurred by the Board in constructing the new works.

(2) Where the Board propose to enter into a special agreement the terms and conditions on which the Board supply water to the special consumer thereunder other than those relating to the contributions aforesaid shall be such as may be agreed between the Board and the special consumer or failing agreement as may be determined by arbitration.

(3) The Board or the special consumer may by notice given to the other party within a period of six months beginning three months before and terminating three months after the expiration of any of the periods of five years referred to in subsection (2) of the foregoing section expiring next after the date of the special agreement and within a similar period of six months in respect of every subsequent period of five years apply from time to time for a revision of the terms and conditions agreed or determined by arbitration in accordance with subsection (2)

of this section and on such application being made such last-mentioned terms and conditions shall be such as may be then agreed between the Board and the special consumer or failing agreement as may be determined by arbitration:

PART IV
—cont.

Provided that nothing in this section shall prevent the Board and the special consumer from agreeing that the terms and conditions agreed or determined by arbitration in accordance with subsection (2) of this section shall be revised within a shorter period than that prescribed by this subsection.

(4) Where new works have been constructed by the Board wholly or partly for the purpose of enabling them to afford a supply of water in accordance with a special agreement the Board shall only be compelled under section 58 (Power to supply by measure) of the Act of 1907 to afford a supply of water for trade manufacturing or railway purposes to any persons other than the special consumer in so far as the increased water available for supply by reason of those works is not required for the purpose of affording a supply in accordance with the special agreement.

29. Nothing in the last two foregoing sections shall apply to the supply of water given by the Board from their Low Worsall Pumping Station to Imperial Chemical Industries Limited at Wilton in the North Riding under the terms of the agreement made between the Board and Imperial Chemical Industries Limited and dated the eighteenth day of January nineteen hundred and fifty-two or any agreement supplementary thereto or shall prejudice or affect the provisions of the said agreement or any such supplementary agreement.

Saving for
Wilton agree-
ment.

30.—(1) Notwithstanding anything in the agreement dated the twenty-second day of October eighteen hundred and eighty-one and made between the Board (then known and described as “the Stockton and Middlesbrough Water Board”) of the one part and the local board for the district of Normanby of the other part the price to be paid by the Eston Urban District Council (hereafter in this section referred to as “the Eston Council”) as successors of the said local board for the district of Normanby under the said agreement shall as from the first day of April nineteen hundred and fifty-four be such sum as may be agreed between the Board and the Eston Council or failing agreement as may be determined by arbitration.

Revision of
price to
Eston Council.

(2) The price so agreed or determined shall be revised by agreement or arbitration as aforesaid if before the end of each period of three years following the thirty-first day of March nineteen hundred and fifty-four either the Board or the Eston Council give three months' previous notice to the other of their desire that the price should be revised.

PART IV
—cont.

(3) Save as varied in pursuance of this section or by agreement between the Board and the Eston Council the said agreement shall continue to have full force and effect.

(4) On and from the first day of April nineteen hundred and fifty-four section 18 (Alteration of price to Eston Council) of the Tees Valley Water Act 1920 shall be repealed.

As to supplies from trunk mains.

31. Notwithstanding anything in any enactment relating to the Board no person shall be entitled to demand a supply of water from a trunk main belonging to the Board:

Provided that nothing in this section shall prevent the Board from agreeing to provide a supply of water from a trunk main or affect their liability in respect of any such agreement whether made before or after the passing of this Act.

Power to recover charge for turning off and turning on in certain cases.

32. Where the occupier of any house having a separate supply of water gives notice to the Board for the discontinuance of the supply to such house without giving up possession and within a period of nine months thereafter requires the supply to be reconnected the Board may make a reasonable charge for turning off and turning on the supply of water to such house and such charge may be recovered summarily as a civil debt.

Cutting off communication pipes to prevent waste of water.

33. Where any dwelling-house building or other premises are demolished or appear to the Board to be uninhabitable or in the case of premises other than a dwelling-house remain unoccupied for a period of not less than one month and the Board have reason to think that waste of water is occurring or is likely to occur they may cut off the communication pipe by which water was supplied to such dwelling-house building or other premises:

Provided that in any case where the Board think that waste is likely to occur and for that reason propose to cut off a communication pipe by which water was supplied to any dwelling-house building or other premises which appear to them to be uninhabitable or to premises which have remained unoccupied for the period aforesaid they shall give notice of their intention to do so to the owner of the dwelling-house building or premises and if within one week of the receipt of such notice the owner satisfies the Board that reasonable steps are being taken to render habitable the dwelling-house building or premises or that the premises will be occupied within a reasonable period as the case may be the Board shall not cut off the communication pipe but may take such other action as they may consider necessary to prevent waste of water.

34. The Board shall have power to reduce or remit the payment of any sum due to them in respect of the supply of water on account of the poverty of any person liable for the payment thereof.

PART IV
—cont.
Remission of water rates on grounds of poverty.

35.—(1) Where the owner (not being the occupier) of any premises is liable for the payment of the rates chargeable by the Board for a supply of water thereto for domestic purposes such owner shall from time to time within twenty-one days after demand in writing by the Board deliver to the Board a list of the occupiers of the premises in respect of which he is so liable and such particulars with respect to the periods for which any of those premises have been unoccupied as the Board may require for the purpose of enabling them to determine what amount is properly due from the owner in respect of such rates.

Information to be supplied by owners of premises in certain cases.

(2) If any such owner refuses or neglects to comply with the provisions of this section or knowingly delivers to the Board particulars which are untrue in any material respect he shall in respect of each offence be liable on summary conviction to a penalty not exceeding five pounds.

36. The Board may levy and recover such reasonable charges as they think fit for taking the reading of any water meter fixed in any premises at the request and for the convenience of any consumer at a time other than that of the periodical meter readings:

Charges for special readings of water meters.

Provided that such charges shall not exceed for each reading the sum of—

- (a) one shilling in the case of premises in the boroughs of Stockton-on-Tees Middlesbrough and Thornaby-on-Tees; and
- (b) five shillings in the case of premises outside those boroughs.

PART V

FINANCIAL PROVISIONS

37.—(1) The Stockton-on-Tees Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 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 of the said table and they shall pay off all moneys so borrowed within

Power to Stockton-on-Tees Corporation to borrow.

PART V
—cont.

such periods as they may determine not exceeding those respectively mentioned in the third column of the said table:—

(1) Purpose	(2) Amount	(3) Period for repayment
(a) The purchase of lands for the works authorised by this Act (hereafter in this Act referred to as "Purpose No. 1").	£20,000	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act (hereafter in this Act referred to as "Purpose No. 2").	£1,250,000	Sixty years from the date or dates of borrowing.
(c) The payment out of capital of interest on moneys borrowed for and in connection with the purchase of lands for and the construction of the works authorised by this Act until the completion and first filling of the Selset Reservoir (Work No. 1) authorised by this Act or until the expiration of five years from the date or dates of borrowing whichever shall first happen (hereafter in this Act referred to as "Purpose No. 3").	The sum required	Sixty years from the date or dates of borrowing.
(d) The acquisition of the rights and privileges mentioned in section 48 (Acquisition of sporting rights) of this Act (hereafter in this Act referred to as "Purpose No. 4").	The sum required	Sixty years from the date or dates of borrowing.
(e) The payment of the costs charges and expenses preliminary to and of and incidental to the promotion and obtaining of this Act (hereafter in this Act referred to as "Purpose No. 5").	The sum required	Five years from the passing of this Act.

Provided that if the corporations after consultation together so resolve the Stockton-on-Tees Corporation shall not commence the repayment (by sinking fund or otherwise) of any moneys to be borrowed under this Act for Purpose No. 1 Purpose No. 2 and Purpose No. 3 until the completion and first filling of the Selset Reservoir (Work No. 1) authorised by this Act or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

(2) The provisions of Part IX of the Act of 1933 so far as such provisions are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section 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.

Power to
Middlesbrough
Corporation
to borrow.

38.—(1) The Middlesbrough Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 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 of the said table and they shall pay off all moneys so borrowed within such periods as they may determine not exceeding those respectively mentioned in the third column of the said table:—

PART V
—cont.

(1) Purpose	(2) Amount	(3) Period for repayment
(a) Purpose No. 1	£24,000	Sixty years from the date or dates of borrowing.
(b) Purpose No. 2	£1,500,000	Sixty years from the date or dates of borrowing.
(c) Purpose No. 3	The sum required	Sixty years from the date or dates of borrowing.
(d) Purpose No. 4	The sum required	Sixty years from the date or dates of borrowing.
(e) Purpose No. 5	The sum required	Five years from the passing of this Act.

Provided that if the corporations after consultation together so resolve the Middlesbrough Corporation shall not commence the repayment (by sinking fund or otherwise) of any moneys to be borrowed under this Act for Purpose No. 1 Purpose No. 2 and Purpose No. 3 until the completion and first filling of the Selsset Reservoir (Work No. 1) authorised by this Act or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

(2) The provisions of Part IX of the Act of 1933 so far as such provisions are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section 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.

39.—(1) The Thornaby-on-Tees Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 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 of the said table and they shall pay off all moneys so borrowed

Power to
Thornaby-on-
Tees Corpora-
tion to borrow.

PART V
—cont.

within such periods as they may determine not exceeding those respectively mentioned in the third column of the said table:—

(1) Purpose	(2) Amount	(3) Period for repayment
(a) Purpose No. 1	£4,000	Sixty years from the date or dates of borrowing.
(b) Purpose No. 2	£250,000	Sixty years from the date or dates of borrowing.
(c) Purpose No. 3	The sum required	Sixty years from the date or dates of borrowing.
(d) Purpose No. 4	The sum required	Sixty years from the date or dates of borrowing.
(e) Purpose No. 5	The sum required	Five years from the passing of this Act.

Provided that if the corporations after consultation together so resolve the Thornaby-on-Tees Corporation shall not commence the repayment (by sinking fund or otherwise) of any moneys to be borrowed under this Act for Purpose No. 1 Purpose No. 2 and Purpose No. 3 until the completion and first filling of the Selsat Reservoir (Work No. 1) authorised by this Act or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

(2) The provisions of Part IX of the Act of 1933 so far as such provisions are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section 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.

Saving for powers of Treasury.

40. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the powers of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Payment of interest on moneys borrowed until completion of works.

41. Notwithstanding anything in this Act or in any Act wholly or partially incorporated therewith the corporations may pay interest on any moneys borrowed under this Act for Purpose No. 1 and Purpose No. 2 out of moneys borrowed under this Act for Purpose No. 3 but only until the completion and first

filling of the Selset Reservoir (Work No. 1) authorised by this Act or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

PART V
—cont.

42. The Board may if they think fit grant by way either of a lump sum or of periodical payments to the widow or dependants of any of their employees who may die in their service a gratuity not exceeding an amount equal to twice the amount of the annual emoluments of such employee.

Power to grant gratuities in certain cases.

43.—(1) If on the death of an employee (which expression in this section includes a former employee of the Board or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Board on account of salary wages or gratuity a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Board within such time (not being less than one month after his death) as the Board may think reasonable then at the expiration of that time the Board may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) of subsection (1) of section 46 of the Administration of Estates Act 1925 as amended by the Intestates' Estates Act 1952 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

Payments due to deceased employees.

Provided that—

- (a) the Board may (notwithstanding the receipt of a notice under proviso (b) of this subsection) if they think fit pay out of such sum the funeral expenses of the deceased employee or so much thereof as the Board consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;
- (b) if the Board receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 as amended by the Intestates' Estates Act 1952 are applicable) pay such sum or the balance thereof in their hands to any person other than the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under proviso (a) thereof)

PART V
—cont.

to any person other than the personal representative of the deceased employee the Board shall require either—

- (a) a statutory declaration (or when payment is made to the Crown or to the Duchy of Lancaster or to the Duke of Cornwall a statement) by the person or one of the persons to whom the Board may pay or propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds ; or
- (b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

(3) The Board shall be discharged from all liability in respect of any payment or application of money effected by them in exercising their powers under this section.

Provision as to general Act relating to local government superannuation.

44. In the event of the passing during the present session of Parliament of any general Act relating to local government superannuation and containing provisions with regard to the matters to which the last two foregoing sections relate the said sections shall cease to have effect on the passing of such general Act.

Payment of gratuity etc. of person of unsound mind.

45.—(1) Subject to the provisions of this section where a person entitled to receive from the Board any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 the Board may pay the whole of that sum or so much thereof as they think fit to the person having the care of such person and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of such person.

(2) Subject to the provisions of this section where a person entitled to receive from the Board any sum to which this section applies is in the opinion of the Board through mental infirmity incapable of managing his affairs the Board may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of his wife or husband or relations.

(3) This section applies to any sum payable by the Board to an employee or former employee or pensioner of the Board or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance or annuity or gratuity or by way of repayment with or without interest of contributions made to any superannuation or other

fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

PART V
—cont.

(4) Not less than fourteen days before exercising for the first time in relation to any person their power under this section the Board shall give to the court of protection notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Board intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Board shall at the same time give notice to that person in a form approved by the court of protection:

Provided that the Board may with the approval of the court of protection exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the court of protection gives to the Board notice in writing that they object to the exercise by the Board of the said power in relation to any person the said power shall as from the date of the receipt by the Board of the notice cease to be exercisable by the Board in relation to that person unless and until the court of protection withdraws the notice.

(6) The Board shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said power.

46. The Board may make payments for or in connection with—

- (a) the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the limits of supply or any work of the Board and persons representative of or connected with the public supply of water and the supply of information to any such persons;
- (b) visits by way of official courtesy by or on behalf of the Board;
- (c) the arrangement and conduct of ceremonies relating to or arising out of the statutory functions of the Board; and
- (d) visits to any works of the Board by way of instruction for employees of the Board;

Expenses in connection with ceremonies etc.

including payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the Board in connection with any of the matters aforesaid:

Provided that the Board shall not in respect of any period of twelve months ending on the thirty-first day of March expend under the powers of this section any greater sum in the whole than five hundred pounds.

PART VI

MISCELLANEOUS

Retirement
of members.

47.—(1) The members of the Board shall go out of office in accordance with the following regulations:—

On the date of the annual meeting of the borough council of the Stockton-on-Tees Corporation in the year nineteen hundred and fifty-four and on the date of the annual meeting of the said council in every subsequent third year one of the members elected by the Stockton-on-Tees Corporation shall go out of office and on the date of the annual meeting of the said council in every other year two of such members shall go out of office;

On the date of the annual meeting of the borough council of the Middlesbrough Corporation in each year two of the members elected by the Middlesbrough Corporation shall go out of office;

On the date of the annual meeting of the borough council of the Thornaby-on-Tees Corporation in the year nineteen hundred and fifty-four and on the date of the annual meeting of the said council in every subsequent third year the member elected by the Thornaby-on-Tees Corporation shall go out of office.

(2) Notwithstanding the provisions of section 14 (Duration in office of members of the Board) of the Act of 1907 the existing members of the Board shall continue in office and shall go out of office in accordance with the provisions of the foregoing subsection.

(3) Section 15 (Election of new members) of the Act of 1907 shall be read and have effect as if for the word “quarterly” there were substituted the word “annual” and as if the words “in November” were omitted therefrom.

(4) The Sixth Schedule to the Act of 1907 shall be read and have effect as if for the words “ninth day of November” there were substituted the words “second day of June”:

Provided that notwithstanding anything in the said Sixth Schedule the existing chairman shall continue in office until a new chairman is appointed in the year nineteen hundred and fifty-four.

Acquisition
of sporting
rights.

48.—(1) The Board may at any time acquire from the Earl of Strathmore and Kinghorne or other the lord or lords of the manors of Hunderthwaite Lune Mickleton and Cotherstone all the rights and privileges conferred upon the said Earl of Strathmore or other the lord or lords aforesaid under and by virtue of section 93 (For the protection of the lords of the manors

of Hunderthwaite Lune Mickleton and Cotherstone) of the Act of 1907 and upon such rights and privileges being acquired by the Board the said section 93 shall be repealed.

PART VI
—cont.

(2) The Board shall pay to the said Earl of Strathmore or other the lord or lords aforesaid upon the acquisition of the rights and privileges aforesaid such compensation as may be agreed between the Board and the said Earl of Strathmore or other the lord or lords aforesaid or failing agreement as shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement as if the rights and privileges aforesaid were lands within the meaning of those Acts.

49.—(1) Within one month after the completion and first filling of the Selsset Reservoir (Work No. 1) authorised by this Act the Board shall to the reasonable satisfaction of the Darlington Corporation the Tees Conservancy Commissioners and the Wear and Tees River Board at their own expense provide continue and at all times maintain in a proper and efficient state of repair the following apparatus:—

As to recording water taken and depths of reservoirs.

(a) gauges (with suitable automatic recording instruments and other apparatus) for the purpose of measuring and recording—

(i) the quantity of water from time to time taken for supply by the Board in each day of twenty-four hours reckoned from midday from the gathering ground of the river Lune ;

(ii) the quantity of water from time to time passed by the Board in each day as aforesaid from the gathering ground of the river Lune to the gathering ground of the river Balder ; and

(iii) the quantity of water from time to time taken for supply by the Board in each day as aforesaid from the works of the Board in the valley of the river Balder ; and

(b) recorders (with suitable automatic recording instruments and other apparatus) at the respective dams of the Blackton Hury and Grassholme reservoirs of the Board authorised by the Act of 1907 and of the Selsset Reservoir (Work No. 1) authorised by this Act for the purpose of measuring daily the depth of water in each of those reservoirs.

(2) The Board shall keep records of the quantities of water so taken and passed in each day of twenty-four hours reckoned from midday and of the depth of water at midday on each day in the said Blackton Hury and Grassholme reservoirs and in the said Selsset Reservoir and shall as soon as reasonably possible

PART VI
—cont.

after the end of every month deliver statements in respect of that month to the town clerk of Darlington and to the clerk of the Wear and Tees River Board showing the quantities of water so taken and passed daily as aforesaid and the daily depth of water as aforesaid such statements being based on the records which the Board are obliged by this subsection to keep.

(3) The Darlington Corporation the Tees Conservancy Commissioners the Wear and Tees River Board and their respective officers and servants duly authorised shall have the right of access to the gauges recording instruments and recorders before-mentioned at all reasonable times for the purpose of inspecting the same and ascertaining the state of repair and efficiency thereof and of gauging and ascertaining the quantity of water from time to time passing over or through the said gauges and the depth of water in each of the reservoirs before-mentioned.

(4) If at any time any of the gauges recording instruments or recorders before-mentioned shall be unfit for the purpose for which it is intended the same shall be forthwith put into a proper state of repair and condition by and at the expense of the Board or if they fail to do so within twenty-one days after notice given to them by the Darlington Corporation or the Wear and Tees River Board requiring them to repair or renew the same it shall be lawful for the said corporation or river board (as the case may be) to cause all necessary works of repair or renewal to be done and to recover the expenses of so doing from the Board in any court of competent jurisdiction.

(5) Any difference between the Board on the one part and the Darlington Corporation the Tees Conservancy Commissioners or the Wear and Tees River Board or any of them on the other part as to whether the gauges recording instruments or recorders before-mentioned are or have been reasonably provided continued and maintained by the Board and as to the nature or mode of construction thereof shall be referred to arbitration.

(6) If any person shall wilfully damage interfere with alter destroy or render unserviceable or falsify any of the gauges recording instruments or recorders or records before-mentioned he shall for every such offence be liable on summary conviction to a fine not exceeding five pounds without prejudice to any other liability or cause of action which may arise out of or by reason of such act.

(7) If the Board—

- (a) fail to keep the records required by subsection (2) of this section ; or
- (b) fail to deliver the statements required by the said subsection (2) ; or

(c) unreasonably refuse to allow access to any of the gauges recording instruments and recorders before-mentioned for the purposes referred to in subsection (3) of this section ; or

(d) fail to provide the said gauges recording instruments and recorders or maintain them in a proper state of repair and condition in accordance with subsection (4) of this section ;

they shall (without prejudice to their liability under subsection (4) of this section) be liable on summary conviction to a fine not exceeding ten pounds in respect of each day on which the offence has been committed or has continued.

50.—(1) From and after the date of the completion and first filling of the Selset Reservoir (Work No. 1) authorised by this Act the Board shall keep a record of the quantities of water taken by them in each day of twenty-four hours reckoned from midday from the river Tees by means of their pumping station at Broken Scar and of the respective quantities of compensation water discharged daily by the Board into the rivers Lune and Balder and shall as soon as reasonably possible after the end of every month deliver statements in respect of that month to the town clerk of Darlington and to the clerk of the Wear and Tees River Board showing the quantities of water so taken and discharged daily as aforesaid such statements being based on the records which the Board are obliged by this subsection to keep.

PART VI
—cont.
Record of quantities of water taken by Board.

(2) If the Board fail to keep the record required by subsection (1) of this section or to deliver any statements as thereby required they shall be liable on summary conviction to a fine not exceeding ten pounds in respect of each day on which the offence has been committed or has continued :

Provided that proceedings for an offence under this subsection may be instituted only by the Darlington Corporation or the Wear and Tees River Board as the case may be.

(3) As from the date aforesaid section 16 (Report of quantities of water supplied in bulk) of the Tees Valley Water Act 1914 shall be read and have effect as if for the word "report" there were substituted the word "record" as if for the words "water-works engineer of the mayor aldermen and burgesses of the borough of Darlington" there were substituted the words "town clerk of Darlington" and as if for the words "said engineer" there were substituted the words "said town clerk".

51. If the Board commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the Board in respect of the sale or hire of any

As to recovery summarily of sums due for fittings etc.

PART VI
—cont.

apparatus or fittings supplied by them for or in connection with the consumption or use of water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same complaint summons or warrant or any schedule attached thereto and may be recovered summarily provided the amount due or payable in respect thereof does not in the aggregate exceed twenty pounds.

Application of certain sections of Public Health Act 1875 and Act of 1933 to Board.

52. Section 265 of the Public Health Act 1875 and sections 276 277 and 278 of the Act of 1933 shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and as if the Tees Valley Water Acts and Orders 1907 to 1953 were referred to in the said section 265 instead of the Public Health Act 1875.

Supply to Redcar Corporation.

53. Notwithstanding anything in section 15 (Contracts for supplying water in bulk) of the Tees Valley Water Act 1914 restricting the areas to which water may be supplied by the Board the Board shall have power under and in accordance with that section to enter into and carry into effect agreements with the mayor aldermen and burgesses of the borough of Redcar for the supply of water in bulk for use or distribution within any part of the said borough of Redcar as from time to time existing:

Provided that—

- (a) unless the Darlington Corporation give their consent thereto such supply shall not be afforded until after the completion and first filling of the Selsset Reservoir (Work No. 1) authorised by this Act; and
- (b) nothing in this section shall relieve the Board from the necessity of obtaining any consent which may be required before a supply may be given under the said section 15.

Amendment of section 72 of Act of 1930.

54. Section 72 (Donations subscriptions &c.) of the Act of 1930 shall be read and have effect as if after the words “their common interests” there were inserted the words “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 as if after the words “such association” there were inserted the words “society or body”.

For protection of Wear and Tees River Board.

55.—(1) Any reference in the Tees Valley Water Acts and Orders 1907 to 1952 to the Board of Conservators of the Tees Salmon Fishery District the Tees Salmon Fishery Board the Board of Conservators of the Tees Fishery District and Tees

Fishery Board shall unless the context otherwise requires be read and have effect as references to the Wear and Tees River Board.

PART VI
—cont.

(2) Nothing in the following sections of this Act namely:—

Section 14 (Power to divert streams etc.);

Section 16 (Sheep dipping and washing);

Section 17 (Accommodation for workmen employed on construction of works);

shall be deemed to affect any obligation of the Board to obtain the consent of the Wear and Tees River Board under section 7 of the Rivers (Prevention of Pollution) Act 1951 to the bringing into use of any new or altered outlet for the discharge of trade or sewage effluent to a stream or to the beginning to make any new discharge of trade or sewage effluent to a stream.

56.—(1) The following enactments are hereby repealed:— Repeal.

The Act of 1907—

Section 12 (Retirement of members);

Section 64 (Connecting or disconnecting meters);

Section 65 (Injuring meters &c.):

The Act of 1930—

Section 29 (Temporary discharge of water into streams);

Section 38 (Revision of water charges);

Section 46 (Detection of waste);

Section 48 (Power to Board to repair communication pipes);

Section 53 (Cisterns to be provided for high-level supplies);

Section 57 (Extension of power to inspect premises);

Section 59 (Penalty for interfering with valves &c.);

Section 60 (Byelaws for preventing waste of water);

Section 68 (Return to Minister with respect to repayment of debt by Thornaby Corporation);

Section 78 (Extension of sections 176 and 303 of Public Health Act 1875 to Board);

Section 79 (Incorporation of sections 259 and 265 of Public Health Act 1875);

Section 81 (Authentication and service of notices &c.).

PART VI
—cont.

(2) The following enactments shall be repealed on and from the date of the completion and first filling of the Selsset Reservoir (Work No. 1) authorised by this Act:—

The Act of 1907—

Section 35 (Gauge of water for supply);

Section 46 (Report of quantities of water taken by Board):

The Act of 1923—

Section 17 (As to construction of gauges).

(3) The sections of the Waterworks Clauses Act 1847 which relate to waste or misuse of the water supplied by the undertakers and sections 18 to 20 of the Waterworks Clauses Act 1863 shall cease to apply to the undertaking.

Application of
Arbitration
Act.

57. Where under this Act any question or dispute is to be referred to arbitration (other than questions or disputes to which the provisions of the Lands Clauses Acts apply) then unless otherwise provided the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed by the President of the Institution of Civil Engineers on the application of either party (after notice in writing to the other) and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration.

Saving for
town and
country
planning.

58. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

59. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of their common fund and shall be repaid thereto by the corporations in the proportions in which they are respectively interested in the undertaking.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 20.
Waterworks Clauses Act 1847 ...	10 & 11 Vict. c. 17.
Lands Clauses Consolidation Acts Amendment Act 1860.	23 & 24 Vict. c. 106.
Waterworks Clauses Act 1863 ...	26 & 27 Vict. c. 93.
Public Health Act 1875 ...	38 & 39 Vict. c. 55.
Telegraph Act 1878 ...	41 & 42 Vict. c. 76.
Tees Valley Water (Consolidation) Act 1907 ...	7 Edw. 7 c. lxxx.
Tees Valley Water Act 1914 ...	4 & 5 Geo. 5 c. civ.
Acquisition of Land (Assessment of Compensation) Act 1919.	9 & 10 Geo. 5 c. 57.
Tees Valley Water Act 1920 ...	10 & 11 Geo. 5 c. xxxii.
Tees Valley Water Act 1923 ...	13 & 14 Geo. 5 c. xxxiii.
Administration of Estates Act 1925 ...	15 & 16 Geo. 5 c. 23.
Legitimacy Act 1926 ...	16 & 17 Geo. 5 c. 60.
Land Drainage Act 1930 ...	20 & 21 Geo. 5 c. 44.
Tees Valley Water Act 1930 ...	20 & 21 Geo. 5 c. lxxix.
Local Government Act 1933 ...	23 & 24 Geo. 5 c. 51.
Water Act 1945 ...	8 & 9 Geo. 6 c. 42.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
National Insurance Act 1946 ...	9 & 10 Geo. 6 c. 67.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
River Boards Act 1948 ...	11 & 12 Geo. 6 c. 32.
Lands Tribunal Act 1949 ...	12 13 & 14 Geo. 6 c. 42.
Arbitration Act 1950 ...	14 Geo. 6. c. 27.
Rivers (Prevention of Pollution) Act 1951 ...	14 & 15 Geo. 6 c. 64.
Intestates' Estates Act 1952 ...	15 & 16 Geo. 6 & 1 Eliz. 2 c. 64.

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