



CHAPTER xxxiii

An Act to constitute a joint board to supply water in the county borough of Reading and in parts of the administrative counties of Berks Oxford and Hampshire; to vest in the said board the water undertakings of certain of the constituent councils part of the water undertaking of the council of the rural district of Faringdon and the undertakings of the Henley-on-Thames Water Company Limited the Hungerford Waterworks Company Limited and the South Oxfordshire Water Company and part of the undertaking of the Mid-Wessex Water Company to confer further powers on the mayor aldermen and burgesses of the county borough of Reading and on the county council of the administrative county of Berks and for other purposes.

[16th July 1959.]

WHEREAS—

(1) By the Reading Water Acts and Orders 1826 to 1956 the mayor aldermen and burgesses of the county borough of Reading (hereinafter referred to as “the Corporation”) are authorised to supply and are supplying water in the said county borough in parts of the rural districts of Bradfield and Wokingham in the administrative county of Berks and in parts of the rural district of Henley in the administrative county of Oxford:

(2) The councils of the boroughs of Newbury and Wallingford of the urban district of Wantage and of the rural districts of Abingdon Hungerford Newbury Wallingford and Wantage are the owners of water undertakings:

(3) In order to secure the proper use and more effective development of water resources and the adequate and more economical provision and more efficient distribution of water supplies it is

expedient and of public and local advantage to constitute a joint board (hereinafter referred to as "the Board") consisting of representatives of the Corporation the county councils of the administrative counties of Berks and Oxford and the councils of the boroughs and urban and rural districts mentioned in Part I of the **Second** Schedule to this Act and to transfer to the Board the water undertaking of the Corporation the other water undertakings hereinbefore referred to part of the water undertaking of the council of the rural district of Faringdon the undertakings of the Henley-on-Thames Water Company Limited the Hungerford Waterworks Company Limited and the South Oxfordshire Water Company and part of the undertaking of the Mid-Wessex Water Company :

(4) It is expedient to confer further powers on the Corporation and on the county council of the administrative county of Berks :

(5) It is expedient that the other provisions contained in this Act be enacted :

(6) The purposes of this Act cannot be effected without the authority of Parliament :

(7) 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 :

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Reading and Berkshire Water &c. Act 1959.

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 undertakings.

Part IV—Supply of water etc.

Part V—Finance.

Part VI—Miscellaneous provisions relating to Board.

Part VII—Miscellaneous provisions relating to County Council and Corporation.

Part VIII—Employment agencies.

Part IX—General.

3.—(1) The Lands Clauses Acts as amended by subsequent enactments (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act with the following exceptions and modification :—

Incorporation
of Acts.

(a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (which relate to the sale of superfluous lands) and sections 150 and 151 of that Act (which relate to access to the special Act) are not incorporated with this Act ;

(b) The expression “ the promoters of the undertaking ” and “ the company ” shall be construed to mean the Board.

(2) The Board shall be deemed to be a local authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act 1919.

(3) The provisions (except Part III (Compensation water) and Part XV (Financial provisions applicable to water companies)) of the Third Schedule to the Water Act 1945 are hereby applied to the undertaking of the Board and shall be incorporated with the provisions of this Act in relation to that undertaking:

Provided that—

(a) the provisions of the Third Schedule to the Water Act 1945 specified in the first column of the First Schedule to this Act as so applied and incorporated shall have effect subject to the modifications specified in the second column of that schedule;

(b) for the purpose of the application of the provisions of the Third Schedule to the Water Act 1945 as so applied and incorporated the whole of any service pipe provided for the purpose of affording—

(i) a supply to any premises solely for extinguishing fires therein; or

(ii) a standby supply;

shall be deemed to be a supply pipe and no part thereof shall be deemed to constitute a communication pipe;

(c) for the purpose of the application of the provisions of the Third Schedule to the Water Act 1945 as so applied and incorporated where any premises already has a piped supply of water from the Board and the owner or occupier of such premises requires any additional service pipe or pipes to be laid and connected to the main then no part of such additional pipe or pipes shall be deemed to be a communication pipe.

4.—(1) An expression to which a meaning is assigned by section 59 of the Water Act 1945 or by the Third Schedule to that Act has in this Act the meaning so assigned unless there be something in the subject or context repugnant to such construction.

Interpretation.

PART I
—cont.

(2) In this Act except where it is otherwise stated or the subject or context otherwise requires—

“ the Act of 1933 ” means the Local Government Act 1933 ;

“ the Act of 1936 ” means the Public Health Act 1936 ;

“ the Act of 1945 ” means the Water Act 1945 ;

“ appointed day ” for the purpose of Part VIII (Employment agencies) of this Act has the meaning assigned to it by section 105 (Appointed day for Part VIII) of this Act and for the purpose of any other Part means the first day of April nineteen hundred and sixty ;

“ authorised security ” means any mortgage stock bond or other security which the Board are for the time being authorised to grant create or issue or upon or by means of which the Board are for the time being authorised to raise money ;

“ Board ” means the Thames Valley Water Board ;

“ clerk ” and “ treasurer ” mean respectively the clerk and the treasurer of the Board ;

“ constituent council ” means the Corporation the County Council and any council empowered by this Act to appoint a member of the Board ;

“ the Corporation ” means the mayor aldermen and burgesses of the county borough of Reading ;

“ council ” means the council of a county borough borough urban district or rural district ;

“ the county ” means the administrative county of Berks ;

“ the County Council ” means the county council of the county ;

“ daily fine ” means a fine for each day on which an offence is continued after conviction therefor ;

“ enactment ” means any Act whether public general or local or any order made thereunder or any provision in any Act or in any such order ;

“ the Henley Company ” means the Henley-on-Thames Water Company Limited ;

“ the Hungerford Company ” means the Hungerford Waterworks Company Limited ;

“ limits of supply ” means the limits for the time being of the Board for the supply of water ;

“ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act 1952 ;

“ the Mid-Wessex Company ” means the Mid-Wessex Water Company ;

“ the Minister ” means the Minister of Housing and Local Government ;

- “ the Oxfordshire Council ” means the county council of the administrative county of Oxford;
- “ the South Oxfordshire Company ” means the South Oxfordshire Water Company;
- “ statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- “ statutory security ” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery;
- “ town clerk ” means the town clerk of the county borough of Reading;
- “ undertaking ” includes part of an undertaking in any case in which part of an undertaking is transferred by this Act and the expression has the following meanings:—
- (a) as regards the undertaking of a company transferred by this Act the expression means the undertaking of that company as existing on the appointed day and subject to the provisions of this Act includes—
- (i) all the lands buildings water works water sources of supply machinery mains pipes meters plant spare parts tools apparatus vehicles stores and furniture;
- (ii) all investments securities funds reserves surplus profits book debts consumers’ deposits bank balances and cash;
- (iii) all registers books of account maps plans specifications engineering reports and other documents;
- (iv) all rights powers easements interests privileges and other real and personal property assets and effects then vested in or belonging to the company or to which the company shall then be entitled (whether they shall be in the possession of the company or in that of their solicitors agents resident or consulting engineers or other persons);

PART I
—cont.

(v) the benefit of all contracts in force on the appointed day but subject to any obligations of the company thereunder;

but does not include—

(vi) the directors' minute books and all books and papers relating exclusively to the shareholders in and the constitution of the company which it may be necessary for the company to retain for the purpose of the winding up of the company;

(vii) any liabilities and obligations in respect of share capital and moneys raised on mortgage or by the creation and issue of debenture stock;

(viii) such a sum of money as is required to pay any dividends (less income tax) declared by the directors of the company in pursuance of section 28 (Payment of final dividend and interest) of this Act and not paid before the appointed day and any interest (less income tax) on any mortgages or debenture stock which the directors may pay before the appointed day in pursuance of the said section but which has not then been paid;

(b) the provisions of the foregoing paragraph (a) shall apply to part of a company's undertaking transferred by this Act subject to the following and any other necessary modifications:—

(i) only such lands and other things mentioned in sub-paragraph (i) of the said paragraph (a) as on the appointed day may be within the area to be comprised in the limits of supply of the Board and are used wholly or partly for the supply of water within the said limits shall be included in the definition;

(ii) no investments securities funds reserves surplus profits book debts bank balances and cash shall be included and only such consumers' deposits as are in respect of the supply of water to premises within the said area;

(iii) no registers books of account maps plans specifications engineering reports and other documents shall be included except those that relate to the said area;

(iv) the various matters and things referred to in sub-paragraph (iv) and sub-paragraph (v) of the said paragraph (a) shall be included so far only as they relate to the said part of the undertaking;

(c) as regards the undertaking of a council transferred by this Act the expression means the water undertaking of that council as existing on the appointed day and subject to the provisions of this Act includes—

(i) all the lands buildings waterworks water sources of supply machinery mains pipes meters plant spare parts tools apparatus vehicles stores furniture and other real and personal property assets and effects rights powers privileges liabilities and obligations held or used by the council for or in relation to their water undertaking immediately before the appointed day or to which they were then subject for or in relation to that undertaking;

(ii) the benefit of all contracts in force on the appointed day in respect of the said undertaking subject to any obligations thereunder;

(iii) all registers books of account maps plans specifications engineering reports and other documents relating solely to the said undertaking;

but does not include—

(iv) any funds money or securities for money of the council whether invested or in hand other than money or securities for money representing the unexpended balance of any sum borrowed by the council for the purposes of their water undertaking and other than returnable deposits; or

(v) any liabilities or obligations in respect of any sum borrowed as aforesaid (including a bank overdraft) except as provided by this Act;

(vi) any liability for private supplies to any premises or village or any obligation to maintain the supply or purity of water from any private well or other source of supply or any public pumps wells cisterns reservoirs conduits or other works vested in or utilised by any council by section 124 of the Act of 1936 or in or by any parish council by section 125 of the Act of 1936;

(d) the provisions of the foregoing paragraph (c) shall apply to part of a council's undertaking transferred by this Act subject to the following and any other necessary modifications:—

(i) only such lands and other things mentioned in sub-paragraph (i) of the said paragraph (c) as on the appointed day may be within the area to

PART I
—cont.

be comprised in the limits of supply of the Board or immediately before that day were used for the purposes of that area and only such rights powers privileges liabilities and obligations as relate to that area shall be included in the definition;

(ii) no contracts or obligations shall be included in the definition unless they relate to the said area;

(iii) no registers books of account maps plans specifications engineering reports or other documents shall be included in the definition unless they relate solely to the said area;

“year” means the year commencing on the first day of April.

(3) The provisions of subsection (1) of section 295 of the Act of 1933 (which provides as to the doing of things which fall to be done on Sundays and public holidays) shall apply for the purposes of this Act as if for the reference therein to the Act of 1933 there were substituted a reference to this Act.

(4) Except where the context otherwise requires references in this Act to any enactment shall be construed as references to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD

Incorporation
of Board.

5.—(1) There shall be a joint board constituted as provided by this Act for the following purposes :—

(a) the procuring of a supply of water ;

(b) the acceptance of the transfers of the undertakings of the councils of the county borough of Reading the boroughs of Newbury and Wallingford the urban district of Wantage and the rural districts of Abingdon Hungerford Newbury Wallingford and Wantage part of the undertaking of the council of the rural district of Faringdon the undertakings of the Henley Company the Hungerford Company and the South Oxfordshire Company and part of the undertaking of the Mid-Wessex Company;

(c) the distribution and supply of water in the limits of supply ;

(d) the supply of water in bulk within or outside the limits of supply in accordance with section 12 of the Act of 1945 ; and

(e) the doing of all things necessary for connected with incidental to or consequent upon the powers rights duties capacities and liabilities exercisable by or attaching to the Board.

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

PART II
—cont.

6. The constitution of the Board shall (subject to alteration by the Minister as hereinafter provided) be as set forth in Part I of the Second Schedule to this Act.

Constitution
of Board.

7.—(1) Each of the members of the Board shall be a member of the constituent council by whom he shall be appointed.

Qualification
of members.

(2) A person who is a member of two or more constituent councils 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 constituent council he shall within one month after the second appointment choose under which appointment he will serve and give notice of his choice to the clerk and thereupon the other appointment shall be deemed void and if he fails to give that notice the second and subsequent appointments shall be void.

(3) A member of the Board who ceases to be a member of the constituent council by whom he was appointed and a member of the Board who becomes disqualified to be a member thereof shall thereupon cease to be a member of the Board :

Provided that a member of the Board shall not be deemed to have ceased to be a member of the constituent council by whom he was appointed if on or before the day on which he goes out of office he has been re-elected a member of that council.

8.—(1) Every constituent council shall at a meeting held before the first day of November nineteen hundred and fifty-nine (or such later date as the Minister shall allow on the application of any of the constituent councils) appoint the number of members of the Board to be appointed by them and the clerk of every constituent council shall forthwith send to the clerk of the County Council and to the town clerk the names and addresses and descriptions of the members appointed by his council.

First members
of Board.

(2) The members of the Board appointed in pursuance of this section shall come into office on the first day of November nineteen hundred and fifty-nine or so soon thereafter as they are appointed.

(3) The first meeting of the Board shall be convened by the clerk of the County Council and the town clerk to be held on such day not being later than the first day of December nineteen hundred and fifty-nine and at such place as may be fixed by the chairman of the County Council and the mayor of the county borough of Reading.

PART II
—cont.Tenure of
office and
appointment
of members.

9.—(1) (a) The first members of the Board shall retire in accordance with the provisions of Part II of the Second Schedule to this Act.

(b) The date of retirement of members of the Board shall be the first day of June in the year of their retirement.

(2) (a) Any vacancy other than a casual vacancy in the representation of a constituent council on the Board shall be filled by that council at a meeting on or before the date on which the vacancy will occur or as soon thereafter as practicable.

(b) Every member of the Board appointed under this subsection shall come into office on the first day of June and shall hold office subject to the provisions of this Act for a period of four years.

(3) Whenever after the first appointment a member of the Board is appointed the clerk of the constituent council by whom he is appointed shall forthwith send to the clerk the name address and description of the person so appointed.

Resignation
of members.

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

Notice of
vacancies.

11.—(1) When any member of the Board resigns his membership or vacates his office by absence the clerk shall notify the fact to the constituent council by whom the member was appointed.

(2) When any member of the Board ceases to be a member of the constituent council by whom he was appointed the clerk of that constituent council shall notify the fact to the clerk.

Casual
vacancies.

12. On any vacancy occurring in the membership of the Board owing to a member dying resigning becoming disqualified vacating his office by absence or otherwise ceasing to be a member the constituent council by whom he was appointed may at any time after the occurrence of such vacancy appoint another person to be a member of the Board in his place but unless the vacancy occurs 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 when a casual vacancy occurs within six months before the ordinary day for the retirement of the vacating member the vacancy may be filled but need not be filled unless the council entitled to make the appointment decide that it should be filled.

Acts not
invalidated.

13. No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

PART II
—cont.

14. The meetings and proceedings of the Board shall be conducted in accordance with the rules set forth in Part III of the Second Schedule to this Act.

Meetings and
proceedings.

15. The Board may appoint committees composed of their members for any such general or special purpose as in the opinion of the Board would be better regulated and managed by means of a committee and may delegate to a committee so appointed with or without restrictions as they think fit any functions exercisable by the Board either with respect to the whole or a part of the limits of supply:

Committees.

Provided that a committee so appointed shall not be authorised—

- (1) to borrow money;
- (2) to issue any precept for contributions; or
- (3) to determine the charges to be made for a supply of water.

16. On the application of any of the constituent councils of the Board the Minister may after giving notice of the application to the Board and to the other constituent councils of the Board and considering any objections or representations made by them by order alter the number of members to be appointed by the constituent councils 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.

Power to
alter number
of members.

17.—(1) The Board shall appoint a clerk an engineer and a treasurer and may appoint such other officers and servants as they think requisite:

Appointment
and
remuneration
of officers.

Provided that no person who is or within twelve months previously was a member of the Board or of any constituent council thereof may be appointed an officer of the Board.

(2) The Board may pay their clerk engineer treasurer and other officers and servants such reasonable remuneration as they deem expedient and subject to the provisions of section 121 of the Act of 1933 every such clerk engineer treasurer and other officer and servant shall be removable by the Board at their pleasure.

(3) Notwithstanding the proviso to subsection (1) of this section a person who on the twenty-seventh day of November nineteen hundred and fifty-seven was an officer of a company whose undertaking is transferred by this Act and also a member of a constituent council shall not by virtue of this Act be disqualified from being an officer of the Board.

18. The provisions of section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 the provisions of the Act of 1933 mentioned in

Application
of general
enactments.

PART II
—cont.

Part I of the Third Schedule to this Act and the provision of the Local Government Act 1948 mentioned in Part II of the said schedule shall extend and apply to the Board and to the members and officers of the Board as if the Board were a local authority and as if the limits of supply were their district.

PART III

TRANSFER OF UNDERTAKINGS

Definition of
“ company ”
in Part III.

19. In this Part of this Act except where it is otherwise stated the expression “ the company ” means any company from whom an undertaking or part of an undertaking is transferred by this Act.

*Provisions applicable to undertakings of councils
supplying water*

Transfer of
local
authorities’
undertakings.

20.—(1) On the appointed day the following undertakings and part of an undertaking shall by virtue of this Act be transferred to and vest in the Board (namely):—

- (a) the undertakings of the councils of the county borough of Reading of the boroughs of Newbury and Wallingford of the urban district of Wantage and of the rural districts of Abingdon Hungerford Newbury Wallingford and Wantage; and
- (b) that part of the undertaking of the council of the rural district of Faringdon which is situated within the limits of supply.

(2) (a) Subject to the provisions of this Act the Board shall as consideration for the transfer of each of the undertakings and the part of an undertaking referred to in subsection (1) of this section in the year commencing on the appointed day and in every year thereafter repay to the council from whom the transfer is made the amount which in pursuance of arrangements in force immediately before the appointed day for the redemption of loans and the payment of interest thereon would but for this Act have fallen on or after the appointed day to be debited in the accounts of the undertaking of that council for that year in respect of money borrowed in respect of the undertaking or in the case of the council of the rural district of Faringdon in respect of the said part of their undertaking.

(b) In calculating the amount which would have fallen to be debited as aforesaid—

- (i) there shall be deducted therefrom any sum received by the council under the Rural Water Supplies and Sewerage Acts 1944 to 1955; and
- (ii) account shall be taken in respect of any loan of the income earned in any sinking fund established for the repayment of the loan.

(c) The arrangements referred to in paragraph (a) of this subsection shall be deemed to include arrangements in force immediately before the appointed day for defraying any management expenses incurred by the council in respect of any such loan as aforesaid.

(3) Any sum payable under the foregoing provisions of this section shall unless otherwise agreed be paid not later than the day on which the amounts referred to in subsection (2) of this section become payable by the said councils.

(4) Any payment made by the Board under paragraph (a) of subsection (2) of this section in respect of the liability for the redemption of a loan (or the repayment of an advance) shall be deemed to be a capital payment and any other such payment shall be deemed to be an annual payment.

(5) The Board shall also pay to each of the councils referred to in subsection (1) of this section as part of the consideration for the transfer—

(a) an amount equal to the then fair value of all expendable stores which immediately before the appointed day were held on revenue account by that council in respect of their undertaking and which by this Act are transferred to the Board ; and

(b) the amount of any capital expenditure incurred by that council after the first day of April nineteen hundred and fifty-six for the purpose of their undertaking or part thereof not defrayed from loan moneys for which statutory borrowing powers could and it is anticipated would but for the transfer have been conferred.

(6) Where on the day immediately preceding the appointed day there exists any arrangement made by the County Council to contribute towards the expense incurred in relation to the undertaking of a council which is transferred by virtue of this Act the County Council on and after the appointed day shall not make any payment under such arrangement to that council whose undertaking is transferred but shall in lieu thereof make payment to the Board of such amount and for such period as the County Council and the Board shall agree or as failing agreement shall be determined by arbitration.

(7) For the removal of doubt it is hereby declared that where arrangements subsist before the appointed day whereby contributions are made by a council whose undertaking is by this Act transferred to the Board to that undertaking from the housing revenue account of that council in respect of the bringing of water by that council to any housing accommodation provided by that council under the Housing Act 1957 such contributions shall on and after the appointed day be made by that council to the Board.

PART III
—cont.Transfer of
outstanding
loans.

(8) Any question which may arise under this section between the Board and a council shall be determined by arbitration.

21. Notwithstanding the foregoing provisions of this Part of this Act the Board may with the consent of the lender agree with a council whose undertaking or part of whose undertaking is by this Act transferred to them for the transfer to the Board by that council of the liability in respect of any outstanding loan to that council in respect of their undertaking and from the date upon which any such transfer takes effect all liability in respect of the loan so transferred shall be borne by the Board.

As to receipts
and debts to
appointed
day.

22.—(1) A council whose undertaking or part of whose undertaking is transferred by this Act shall be entitled to and may recover all rates rents charges profits and sums of money and shall discharge and pay all debts outgoings and liabilities in respect of such undertaking or part thereof which may accrue due up to or shall have accrued due or become payable before the appointed day and the Board shall be entitled to and may recover all rates rents charges profits and sums of money and shall discharge and pay all debts outgoings and liabilities in respect of such undertaking or part thereof which may accrue due or become payable on or after that day and where necessary for the purpose of this section all such revenues and outgoings shall be apportioned between the said council and the Board:

Provided that so much of the rates rents charges profits and sums of money received by any such council and so much of the outgoings discharged by them as is attributable to any period subsequent to the appointed day shall be paid by them to the Board or (as the case may be) shall be paid by the Board to the said council and so much of such rates rents charges profits and sums of money received by the Board in respect of such undertaking or part thereof and so much of the outgoings discharged by them as is attributable to the period prior to the appointed day shall be paid by the Board to such council or (as the case may be) shall be repaid to the Board by such council.

(2) Any question which may arise under this section between any such council and the Board shall be determined by arbitration.

(3) A council whose undertaking or part of whose undertaking is transferred by this Act and the Board may enter into and carry into effect agreements relating to the matters referred to in this section.

*Provisions applicable to the undertakings of companies*Transfer of
companies'
undertakings.

23.—(1) On the appointed day the following undertakings and part of an undertaking shall by virtue of this Act be transferred to and vest in the Board (namely):—

- (a) the undertaking of the Henley Company;
- (b) the undertaking of the Hungerford Company;

(c) the undertaking of the South Oxfordshire Company;
and

(d) that part of the undertaking of the Mid-Wessex Company
which is situated within the limits of supply.

(2) The price or consideration to be paid by the Board for the transfer of each of the undertakings referred to in paragraphs (a) and (c) of subsection (1) of this section shall be such sum as may be agreed between the Board and the company from whom the transfer is made or as failing agreement shall be determined by arbitration to be the sum which the undertaking might have been expected to realise if it were sold as a going concern on the appointed day in the open market by a willing seller to a willing buyer.

(3) The Board shall pay to the Hungerford Company on the appointed day as consideration for the transfer of the undertaking of the Hungerford Company the sum of nine thousand four hundred and fifty pounds.

(4) In consideration of the transfer of the part of the undertaking referred to in paragraph (d) of subsection (1) of this section the Board shall—

(a) pay to the Mid-Wessex Company on the appointed day the sum of two hundred and forty-five thousand pounds;

(b) afford to the Mid-Wessex Company if so requested by them a supply of water in bulk in accordance with the provisions set out in the Fourth Schedule to this Act.

24. The price or consideration to be paid to the company for the transfer of their undertaking may by agreement between the Board and the company be satisfied in whole or in part by the issue by the Board to the company of stock or other securities under and in accordance with the provisions of the Act of 1933 and any regulations made thereunder.

Issue of
stock to
company.

25. The receipt in writing of two directors of the company for any money stock or other security paid or delivered to the company shall effectually discharge the Board from the sum of money or the amount of the stock or other security which shall be acknowledged therein 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 from any cause the Board are unable to obtain any such receipt they may lodge the money stock or other security of the Board in the Supreme Court in accordance with rules made under section 146 of the Supreme Court of Judicature (Consolidation) Act 1925 and a certificate given in accordance with those rules stating that the money or stock has or have been so lodged shall have the same effect for the purposes of this and the next following section as the receipt of two directors of the company.

Receipt for
consideration.

PART III
—cont.Evidence of
transfer.

26. The production of a copy of this Act printed by the Queen's Printer together with a receipt for the price or consideration for the purchase of the undertaking of the company purporting to be signed by two directors of the company 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 of the undertaking of the company to the Board and its vesting in them.

As to transfer
of a company
undertaking.

27.—(1) The Board shall pay and discharge all debts and liabilities of the company (other than any liabilities in respect of share capital and moneys raised on mortgage or by the creation and issue of debenture stock of the company in respect of the undertaking transferred) which are outstanding on the appointed day.

(2) All rates rents charges and other sums and debts at the appointed day due and payable or accruing due and payable to the company shall be payable to and may be collected recovered and enforced by the Board in the same manner and with and by the same benefits and processes as those with and by which the company might have collected recovered and enforced them and shall belong to the Board for their own benefit.

(3) Any question which may arise under this section between the company and the Board shall be determined by arbitration.

(4) The Board and the company may enter into and carry into effect agreements relating to the matters referred to in this section.

(5) This section shall not apply in any case in which a part of an undertaking of a company is transferred by this Act.

Payment of
final dividend
and interest.

28.—(1) (a) The directors of the company may without first obtaining the sanction of the company in general meeting declare and pay out of moneys available for the purpose in respect of the period ending on the day immediately preceding the appointed day (being a period of less than fifteen months) dividends (less income tax) at such rates per centum per annum as together with the rate of any dividend already declared in respect of the said period will not exceed—

(i) in the case of preference shares of the company the preferential rate of dividend per centum per annum attached thereto;

(ii) in the case of ordinary shares of the company the authorised rate of dividend per annum.

(b) Any dividends authorised by the foregoing paragraph of this section may be declared before the appointed day and paid either before or after that day.

(c) In this subsection "the authorised rate of dividend per annum" means the rate per annum paid by the company for the

period of twelve months last preceding the period in respect of which the dividends are paid under the said paragraph.

PART III
—cont.

(2) The directors of the company may also pay interest at the appropriate rate or rates on any mortgages or debenture stock of the company in respect of any period ending on the day immediately preceding the appointed day for which interest has not previously been paid notwithstanding payment of such interest is not due until after the appointed day.

(3) This section shall not apply to a company a part only of whose undertaking is transferred by this Act.

29.—(1) From and after the appointed day the South Oxfordshire Company (hereafter in this section referred to as “the company”) shall subsist only for the purposes of—

Winding up
and dissolution
of South
Oxfordshire
Company.

- (a) receiving and recovering the money or securities to which they or the shareholders of the company are entitled under this Act;
- (b) paying to the holders of any mortgages or debenture stock of the company any interest thereon which in pursuance of section 28 (Payment of final dividend and interest) of this Act the directors have decided to pay but which was not paid before the appointed day;
- (c) distributing to the shareholders any dividends which although declared in pursuance of the said section 28 were not paid before the appointed day; and
- (d) 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 appointed day and the survivor or survivors of those directors shall continue without re-election to hold office and those directors or the majority of them or (if a liquidator of the company be duly appointed) the liquidator shall have power and authority to take with respect to the company all proceedings necessary for carrying into effect the purposes of this section.

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

(3) As soon as may be after the appointed day the directors of the company or (if a liquidator has been duly appointed) the liquidator shall proceed to wind up the affairs of the company and shall distribute the moneys payable to them by the Board and the certificates of securities of the Board as the case may require

PART III
—cont.

to and among the several persons who on the appointed day are the registered holders of shares mortgages or debenture stock of the company or their respective executors administrators and assigns in accordance with this section.

(4) The directors of the company shall prepare a scheme for the distribution of the money or securities to be distributed to the holders of shares in the company and of mortgages and debenture stock of the company (hereinafter referred to as “the holders”) and the following provisions shall have effect:—

- (a) The directors shall send by post a copy of the scheme to all the holders at their last known or usual addresses together with a notice summoning a meeting of the holders to consider the scheme at a place and time to be named in the notice the time being not earlier than seven days nor later than twenty-one days after the circulation of the scheme ;
- (b) The scheme shall be submitted to the meeting for approval: Provided that unless the scheme is approved by holders representing not less than three-fourths in value of the shares mortgages or debenture stock of each class voting thereat in person or by proxy it shall be referred to an arbitrator to be appointed by the President of the Law Society who shall settle the scheme;
- (c) The scheme approved at the meeting or if referred to an arbitrator settled by him shall be binding on all the holders.

(5) In this section the expression “securities” means the stock or other securities issued by the Board under section 24 (Issue of stock to company) of this Act.

(6) The company shall on publication in a local newspaper circulating in the administrative county of Oxford of a notice signed by two or more directors or by the liquidator and certifying that all the provisions of this Act relating to the company have been complied with be dissolved.

(7) In case the directors of the company are or the liquidator is for six months after the appointed day unable after diligent inquiry to ascertain the person to whom any money or certificate of securities ought to be paid or delivered or who can give an effectual receipt for it the directors or the liquidator may pay the money or securities into court as if it belonged to a trust of which they or he were trustees or a trustee.

(8) The Board shall pay the reasonable costs and expenses incurred in the winding up of the company and the amount of such costs and expenses shall failing agreement be settled by arbitration.

30.—(1) From and after the appointed day the company shall subsist only for the purpose of winding up their affairs and carrying into effect the purposes of this Part of this Act so far as they relate to the company.

(2) As soon as practicable after the appointed day the company shall be wound up in accordance with the provisions of the Companies Act 1948.

(3) The costs of the winding up of the company shall be borne by the Board.

(4) In this section “the company” means the Henley Company or the Hungerford Company as the case may be.

31.—(1) Subject to the provisions of this section any sums of money paid to the company or the holders of shares of the company and any stock or other securities of the Board issued to the said holders in pursuance of this Act shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the said shares of the company were held immediately before the appointed day and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing of or affecting the shares and every such deed will instrument or disposition shall take effect with reference to the whole or a proportionate part (as the case may be) of the sum of money or of the stock of the Board.

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific number of or nominal amount of shares of the company shall be held to apply to the sum of cash or security of the Board which under the provisions of this Act is paid or issued in substitution for that specific number or nominal amount of shares of the company.

(3) Trustees executors and administrators and all other holders in any representative or fiduciary capacity and persons under disability may and shall accept the sums of money or stock of the Board so paid or issued to them in pursuance of the provisions of this Act for the shares of the company held by them and may hold dispose of or otherwise deal with them in all respects as they might have held disposed of or otherwise dealt with the shares of the company for which they are substituted.

(4) In this section the word “shares” shall be construed as including debenture stock of the company.

32.—(1) In any case in which an undertaking (but not a part of an undertaking) is by this Act transferred from a company to the Board and the price or consideration therefor as provided for in subsection (2) of section 23 (Transfer of companies' undertakings) of this Act has not been determined and paid

PART III

—cont.

Winding up of
Henley
Company and
Hungerford
Company.

Substituted
securities to
be held in
same rights.

Interim
payments on
account of
consideration.

PART III
—cont.

before the expiry of a period of six months after the appointed day the Board shall pay to the company by way of interim payment on account of the price or consideration a sum equal to one-half of the amount paid by the company in dividends on the share capital of the company and in interest on mortgages or debenture stock (before deduction of income tax) in respect of the year ended the thirty-first day of December nineteen hundred and fifty-nine and so on at the expiry of each succeeding period of six months after the appointed day until the said price or consideration shall be determined and paid:

Provided that the directors of the company or the liquidator as the case may be may agree with the Board that no payment shall be made by the Board under the provisions of this section in respect of any period of six months if it appears to them or to him that the price or consideration will be paid to the company within a reasonably short time after the said period.

(2) The directors of the company or the liquidator as the case may be shall apply sums received by the company under the provisions of this section in payments to the holders of shares and mortgages and debenture stock in the proportion in which amounts were paid in dividends or interest thereon in respect of the year ended on the thirty-first day of December nineteen hundred and fifty-nine.

Compensation
to directors.

33.—(1) The Board shall pay to each of the directors of the companies hereinafter referred to who held office on the thirty-first day of December nineteen hundred and fifty-seven and who continues to hold office until the appointed day a sum equal to seven times the amount of the director's fees (before deduction of income tax if any) paid to such director by the company for the year ending the thirty-first day of December nineteen hundred and fifty-seven.

(2) The companies hereinbefore referred to are—

The Henley Company;

The Hungerford Company;

The South Oxfordshire Company.

Compensation
to Messrs.
Charles Lucas
& Marshall.

34. On the appointed day the Board shall pay to the partnership firm of Charles Lucas and Marshall the sum of seven hundred and fifty pounds as compensation for the loss by that firm of remuneration in connection with the managerial and secretarial appointments held by them in the Hungerford Company immediately prior to the appointed day.

Compensation
to auditors.

35. The Board shall pay to the persons who held office as auditors of each of the companies referred to in section 33 (Compensation to directors) of this Act immediately before the appointed day and who held that office on the first day of January

nineteen hundred and fifty-seven as compensation for loss of office a sum equal to three times the amount of the fees (not including any amount recovered in addition thereto in respect of disbursements) received by them from the company as such auditors in respect of the year ending the thirty-first day of December nineteen hundred and fifty-six.

PART III
—cont.

36. In any case in which an undertaking is by this Act transferred from a company to the Board in accordance with the provisions of paragraphs (a) (b) and (c) of subsection (1) of section 23 (Transfer of companies' undertakings) of this Act interest shall be paid at the rate of six pounds per centum per annum on the sum agreed or determined in pursuance of this Act to be the price or consideration to be paid for the transfer from the appointed day until the payment of such sum or if stock is issued in satisfaction thereof until the date as from which interest on such stock will be payable regard being had to any payments made on account under the provisions of section 32 (Interim payments on account of consideration) of this Act.

Payment of
interest.

Provisions applicable to all undertakings.

37.—(1) Until the appointed day an undertaking to be transferred in pursuance of this Act shall be carried on by the owners thereof (in this section referred to as "the owners") with due regard to the interests of the Board as prospective owners of the undertaking on and after the appointed day and accordingly the owners may incur all such proper expenditure and liabilities as they shall deem necessary for carrying on the undertaking in the ordinary course of business:

Exercise of
powers until
transfer.

Provided that except with the consent of the Board the owners shall not—

- (a) enter into any contract or incur any liability otherwise than in the ordinary course of carrying on the undertaking extending beyond the appointed day or make any unnecessary or exceptional expenditure other than expenditure in respect of necessary legal engineering and accountancy charges incidental to the transfer of the undertaking;
- (b) incur any expenditure on capital account exceeding two hundred and fifty pounds for any one item unless such expenditure is incurred in pursuance of a statutory obligation or with the consent of the Minister;
- (c) in the case of a company increase the remuneration salaries or emoluments of directors auditors officers or servants (otherwise than in accordance with any contract of service or scale of remuneration or at the instance of any wages board or joint industrial council

PART III
—cont.

or in pursuance of any compulsory arbitration award) beyond their usual remuneration salaries or emoluments at the rates operative on the twenty-seventh day of November nineteen hundred and fifty-seven or grant any pensions or retiring gratuities;

- (d) in the case of a council increase the remuneration salaries or emoluments of such of their officers or servants as in accordance with the provisions of section 42 (Transfer of officers) of this Act are to become officers or servants of the Board (otherwise than in accordance with any contract of service or scale of remuneration or at the instance of any wages board or joint industrial council or in pursuance of any compulsory arbitration award) beyond their usual remuneration salaries and emoluments at the rate operative on the twenty-seventh day of November nineteen hundred and fifty-seven;
- (e) vary any water rates rents or charges which were being demanded or taken by the owners on the first day of October nineteen hundred and fifty-seven:

Provided further that—

- (a) where part only of an undertaking is transferred the foregoing proviso shall apply only to that part and to the area comprised therein;
- (b) in relation to the Mid-Wessex Company paragraph (e) of the foregoing proviso shall have effect as if for the reference to the first day of October nineteen hundred and fifty-seven there were substituted a reference to the first day of January nineteen hundred and fifty-eight.

(2) The consent of the Board required by the first proviso to the foregoing subsection shall not be withheld unreasonably and any question as to whether it is withheld unreasonably shall be determined by arbitration.

(3) Any consent required by the first proviso to subsection (1) of this section before the first meeting of the Board may be given jointly by the chairman of the County Council and the mayor of the county borough of Reading.

Continuance
of proceedings.

38. Nothing in this Act shall release discharge or suspend any action arbitration or other proceeding which shall be pending by or against any company or council whose undertaking is transferred by this Act in relation to that undertaking or to which any such company or council in relation as aforesaid shall be a party on the appointed day and any such action arbitration or other proceeding save so far as it relates to any tortious act of any servant of any company or council may be maintained prosecuted or continued by or in favour of or against the Board.

39.—(1) All sales conveyances grants assurances deeds contracts bonds and agreements affecting the undertaking of any company or council whose undertaking is transferred by this Act and in force on the appointed day shall on and from that day be as binding and of as full force in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the company or council the Board had been a party thereto or bound thereby or entitled to the benefit thereof:

PART III
—cont.
Saving of
agreements
etc.

Provided that no sale conveyance grant assurance deed contract bond or agreement made or entered into by any such company or council after the date of the passing of this Act shall be binding on or of any force or effect against or in favour of the Board unless it is made or entered into with the consent in writing of the Board or having been made or entered into without such consent it is subsequently ratified in writing by the Board.

(2) If any of the documents referred to in subsection (1) of this section relates to an undertaking part only of which is by this Act transferred such modifications and adjustments shall be made therein as may be necessary or desirable and as shall be agreed between the company or council from whom the part of an undertaking is transferred and the Board or as failing agreement shall be determined by arbitration.

40. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against any company or council whose undertaking is transferred by this Act shall in so far as they relate to their undertaking on and after the appointed day be admitted in evidence in respect of the same or the like matter for or against the Board.

Books to
remain
evidence.

41.—(1) The Board before the appointed day and thereafter the transferor shall be entitled to have access to and take copies of all registers books maps plans specifications engineering reports and other documents to be handed over to the Board so far as they may be necessary for the purpose of enabling the Board or the transferor to execute any of the provisions of this Act.

Inspection
etc. of
documents.

(2) The Board shall also be entitled at any time and for the like purpose to have access to and to take copies of all registers books maps plans specifications engineering reports and other documents not transferred by virtue of this Act which relate to any undertaking or part of an undertaking transferred to them by virtue of this Act.

(3) In this section the expression “transferor” means the council or company from whom an undertaking or part of an undertaking is transferred to the Board by virtue of this Act.

42.—(1) Every officer or servant who immediately before the first day of January nineteen hundred and sixty is in the service

Transfer of
officers.

PART III
—cont.

of a council or a company whose undertaking or part of whose undertaking is transferred by this Act and who is wholly or mainly employed for the purposes of that undertaking or that part of an undertaking shall on the appointed day become an officer or servant of the Board and shall hold his office or situation by the same tenure and on the same conditions as if this Act had not been passed and while performing analogous duties to those which he was required to perform immediately before the first day of January nineteen hundred and sixty shall receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if this Act had not been passed:

Provided that the Board shall not be required to take into their service any officer or servant whose contract of service with the council or company was entered into after the twenty-seventh day of November nineteen hundred and fifty-seven unless such contract was entered into to replace an officer or servant who had left the service of the council or company and contained exactly similar terms and conditions as the contract with that officer or servant or unless such contract was entered into with the consent of the Board.

(2) Where at any time within ten years after the passing of this Act the Board consider it necessary in the interests of the more efficient administration and organisation of the Board to transfer an existing officer from that place of work at which he worked immediately before the passing of this Act to some other place of work then the Board may reimburse that officer for increased travelling expenses and removal expenses to such extent as the Board deem reasonable in the circumstances.

Compensation
to existing
officers.

43. If in consequence of anything done in pursuance of this Act any person who immediately before the appointed day was in the employment of any undertakers whose undertaking or part of whose undertaking is transferred by this Act suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments he shall unless provision for his compensation is made by or under any other enactment for the time being in force be entitled to receive compensation from the Board and for the purposes of this section section 44 of the Act of 1945 shall with any necessary modifications extend and apply as if this Act were an order made under the Act of 1945.

Application
amendment
and repeal of
existing
enactments.

44.—(1) The provisions of the Fifth Schedule to this Act shall have effect in respect of the provisions contained in the enactments relating to the councils and companies whose undertakings are by this Part of this Act transferred to the Board.

(2) Any byelaws made by a constituent council supplying water within the limits of supply immediately before the appointed

day or by any company whose undertaking is by this Part of this Act transferred to the Board under sections 17 or 18 of the Act of 1945 (which provide for byelaws for preventing waste misuse or contamination of water and for byelaws for preventing pollution of water of the undertakers) and in force in any area within the limits of supply immediately before the appointed day shall to the extent to which they are in force in that area and subject to the provisions of subsection (6) of section 19 of that Act for the period of two years beginning on that day continue in force and have effect in that area unless revoked by the Board in relation to that area as if made by the Board in relation to water supplied by them.

PART III
—cont.

45. For the protection of the British Transport Commission (hereinafter referred to as “the commission”) the following provisions shall unless otherwise agreed in writing between the commission and the Board apply and have effect:—

For protection
of the British
Transport
Commission.

- (1) The repeal by this Act of the enactments referred to in the Sixth Schedule to this Act shall not prejudice or affect any rights powers duties or obligations conferred or imposed by those enactments (so far as the same are in force immediately before the appointed day)—

(a) in relation to any works or apparatus constructed placed or laid before the appointed day in across along over under or so as to affect any railway canal inland navigation works lands or property of the commission; or

(b) in relation to any restriction imposed on the use or taking of water from or in any way otherwise affecting the river Kennet or any part of the Kennet and Avon Navigation of the commission:

- (2) As from the appointed day the said rights powers duties and obligations shall be deemed to be the rights powers duties and obligations of the commission on the one hand and the Board on the other hand:
- (3) Notwithstanding anything contained in the enactments referred to in the Sixth Schedule to this Act any question which may arise between the Board and the commission under the said enactments shall be referred to arbitration and any such arbitration shall be deemed to be an arbitration under this section.

46. For the protection of the Conservators of the River Thames (in this section called “the conservators”) the following provisions unless otherwise agreed in writing between the Board and the conservators shall notwithstanding anything contained in

For
protection
of the
Conservators
of the River
Thames.

PART III
—cont.

this Act or in the Acts incorporated herewith or in any other Act have effect (that is to say):—

- (1) Nothing contained in this Act shall authorise the Board to interfere in any manner with the bed soil banks tow-paths or shores of the Thames or the navigation thereof or extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the conservators or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of the passing of this Act the conservators did or might lawfully claim use or exercise:
- (2) If the Board apply to the Minister under section 12 of the Act of 1945 for the approval of any agreement for the giving by the Board of a supply of water in bulk outside the Thames Catchment Area and before the expiration of either of the periods referred to in paragraph 22 of the First Schedule to the Act of 1945 an objection is received by the Minister from the conservators and the objection is not withdrawn the Minister before approving the agreement shall cause a local inquiry to be held:
- (3) For the purposes of this section the word "Thames" has the meaning assigned to it by section 4 (Definition of Thames) of the Thames Conservancy Act 1932 and the expression "the Thames Catchment Area" means the catchment area of the river Thames above Teddington Lock as determined by the map approved by the Minister of Agriculture Fisheries and Food under section 5 of the Land Drainage Act 1930 and for the time being in force.

PART IV

SUPPLY OF WATER ETC.

Commence-
ment of
this Part of
Act.

47. Except where otherwise provided this Part of this Act and the other provisions of this Act relating to the supply of water shall come into operation on the appointed day.

Limits of
supply.

48. The limits of supply of the Board shall be—

- (1) The county borough of Reading;
- (2) In the county—
 - (a) the boroughs of Newbury and Wallingford;
 - (b) the urban district of Wantage;
 - (c) the rural districts of Bradfield Hungerford Newbury Wallingford and Wantage;

(d) the parishes of Appleford Drayton Lyford Milton Steventon and Sutton Courtenay in the rural district of Abingdon;

(e) the parish of Kingston Lisle in the rural district of Faringdon ;

(f) so much of the parish of Earley in the rural district of Wokingham as under section XXIX (Limits of Act) of the Reading Waterworks Act 1851 is immediately before the appointed day within the limits of supply of the Corporation and so much of the parish of Remenham in the said rural district as under section 4 (Limits of Order) of the Henley-on-Thames Water Order 1881 (confirmed by the Water Orders Confirmation Act 1881) is immediately before the appointed day within the limits of supply of the Henley Company;

(3) In the county of Oxford—

(a) the borough of Henley-on-Thames ;

(b) the rural district of Henley;

(c) the parish of Ewelme in the rural district of Bullingdon and so much of the parishes of Benson Berrick Salome Newington and Watlington in the said rural district as lies outside the area edged green on the map referred to in the schedule to the Oxford Water Order 1947;

(4) In the county of Hampshire—

(a) the parishes of Mortimer West End and Silchester in the rural district of Basingstoke and so much of the parish of Pamber in the said rural district as lies northward of the course of the tributary stream which traverses the said parish from Honey Mill bridge at its western boundary to the point where the said stream crosses its north-eastern boundary close to the confluence of the stream with the Silchester Brook near Byes Farm in the parish of Silchester;

(b) (i) so much of the parish of Tadley in the rural district of Kingsclere and Whitchurch as lies northward of the course of the stream which crosses the western boundary of the said parish to the north-west of Rag Wood and traverses such parish first in the north-easterly direction to the vicinity of the junction of Church Lane with Church Road Tadley and then in an easterly direction to the eastern boundary of the said parish at Honey Mill bridge;

(ii) so much of the parish of Baughurst in the said rural district as prior to the making of the

PART IV
—cont.

County of Southampton (Parishes of Baughurst Kingsclere and Tadley) Order 1955 was within the parish of Tadley.

Application of section 119 of Public Health Act 1936.

49. Subject to the provisions of this Act and subject in the exercise of the powers hereinafter mentioned to the restrictions and obligations in regard thereto imposed by the Act of 1936 the Board shall have the powers of a local authority under section 119 of the Act of 1936 in respect of the carrying of water mains within and without their district and for the purposes of that section any area within which the Board are for the time being authorised to supply water shall be deemed to be included in their district.

Cesser of powers to supply water within limits of transferred undertaking.

50. The powers of any statutory water undertakers (save in the case of a local authority their powers under Part IV of the Act of 1936) with respect to the supply of water in any area which by this Act is included within the limits of supply shall cease and determine on the appointed day.

Exercise of existing powers.

51.—(1) Notwithstanding the repeal of enactments by this Act the Board may—

- (a) maintain repair renew alter enlarge improve extend and use the reservoirs wells boreholes pumping stations intakes sluices weirs mains pipes and other works comprised in any undertaking or any part of any undertaking transferred by this Act to the Board and complete any such works as have not been completed on the appointed day;
- (b) exercise subject to the provisions of the enactment whereby the powers are conferred any powers which immediately before the appointed day are vested in or exercisable by the council or company from whom the undertaking or part of an undertaking is transferred for or in connection with the acquisition of land;
- (c) abstract collect impound use divert and appropriate for the purposes of the undertaking of the Board subject to the provisions of the enactment whereby the powers are conferred all such streams springs and waters as may be intercepted by means of any of the works referred to in this section and all waters which the council or company from whom the undertaking or part of the undertaking is transferred were entitled immediately before the appointed day to abstract collect impound use divert or appropriate;

and the provisions of any enactment referred to in this subsection shall inure for the benefit of the Board and shall be construed as if a reference to the Board were substituted for any reference to any other water undertakers.

(2) The exercise of the powers of this section shall be subject to the provisions of this Act other than the provisions thereof whereby any enactments referred to in subsection (1) of this section are repealed.

PART IV
—cont.

52. Without prejudice to any provision for the protection or benefit of the Postmaster-General or his telegraphic lines contained in any enactment for the time being in force or in any such enactment as is referred to in paragraph (b) of subsection (1) of section 51 (Exercise of existing powers) of this Act the following provisions shall apply in relation to the exercise by the Board of the powers conferred by paragraph (a) of that subsection:—

For protection
of Postmaster-
General.

- (i) The Board shall so exercise the said powers in relation to any electrical works or apparatus as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line;
- (ii) Wires posts conductors or other apparatus shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the provisions of the Wireless Telegraphy Act 1949.

53. For the purposes of section 3 of the Third Schedule to the Act of 1945 incorporated with this Act works which are comprised in any undertaking or part of an undertaking transferred by this Act to the Board and any works carried out by the Board under the powers of section 51 (Exercise of existing powers) of this Act shall be deemed to be situate upon lands which are specified in this Act.

As to
restriction
on works for
abstraction
of water.

54. For the purpose of conveying water from one part of the limits of supply to another part thereof or for the purpose of giving or receiving a supply of water in bulk the Board may exercise as regards any street outside the limits of supply the powers conferred upon them by Part VI of the Third Schedule to the Act of 1945 with reference to the breaking up of streets for the purpose of laying pipes as if such street were within the limits of supply but nothing in this section shall authorise the Board to supply water beyond such limits.

Power to lay
connecting
mains.

55.—(1) In any case in which part only of an undertaking is transferred by virtue of this Act the undertakers from whom it is transferred and the Board shall make and carry into effect such arrangements as may be necessary to prevent any discontinuance of the supply of water to the persons entitled to that supply.

Arrangements
for insuring
continuance
of supply.

(2) The reasonable expense incurred by the undertakers from whom part of the undertaking is transferred in giving

PART IV
—cont.

effect to the arrangements under this section shall be defrayed by the Board.

(3) Any question that may arise under this section between the undertakers concerned and the Board shall be determined by arbitration.

(4) This section shall come into operation on the date of the passing of this Act.

Water charges.

56.—(1) During the period beginning on the appointed day and ending on the thirty-first day of March nineteen hundred and sixty-five or on the thirty-first day of March immediately before the date on which the next new valuation lists for all rating areas come into force (whichever shall be the sooner) the rates and charges for a supply of water for any purpose (other than charges for a supply of water under any special agreement) in each area in the limits of supply shall be the rates and charges which were levied in relation to a supply for that purpose in that area on the first day of October nineteen hundred and fifty-seven:

Provided that in that part of the limits of supply which immediately before the appointed day was within the limits within which the Mid-Wessex Company were authorised to supply water the Board shall charge in respect of a supply of water for domestic purposes a water rate calculated at a rate poundage of two shillings on the net annual value of the premises supplied.

(2) After the period mentioned in the preceding subsection for the purposes of Part XII of the Third Schedule to the Act of 1945 in respect of the supply of water by the Board—

- (a) the prescribed rate poundage for a supply of water for domestic purposes shall be three shillings and sixpence in the pound;
- (b) the prescribed proportion of the net annual value of any premises for the purpose of paragraph (b) of subsection (1) of section 46 of the said schedule shall be such proportion as the Board may from time to time determine not exceeding fifty per centum;
- (c) the minimum charge for a supply of water for domestic purposes shall be such sum as may from time to time be determined by the Board not exceeding thirty shillings per annum;
- (d) the additional annual sum chargeable under subsection (1) of section 48 of the said schedule shall be such sum as may from time to time be determined by the Board not exceeding three pounds;
- (e) the maximum charge for a supply of water by meter shall be three shillings and sixpence per thousand gallons subject (except in the case of supplies to premises referred to in subsection (2) of section 49

of the Third Schedule to the Act of 1945) to such minimum annual charge as may from time to time be determined by the Board not exceeding three pounds:

PART IV
—cont.

Provided that until the thirty-first day of March nineteen hundred and seventy the rates and charges for a supply of water for any purpose (including any minimum charge therefor) within the following areas shall be less than the rates and charges for the time being levied by the Board for a supply of water within the remainder of the limits of supply (except the areas referred to in the next following proviso):—

- (i) in the area within which the Corporation were immediately before the passing of this Act authorised to supply water by twelve-and-a-half per centum ; and
- (ii) in the borough of Newbury and in the parish of Speen in the rural district of Newbury by fifteen per centum:

Provided further that until the thirty-first day of March nineteen hundred and seventy the rates and charges for a supply of water for domestic purposes (including the minimum charge therefor) within the borough of Wallingford shall be less than the rates and charges for the time being levied by the Board for a supply of water within the remainder of the limits of supply (except the areas referred to in the last preceding proviso) by ten per centum.

57. Where the Board take the reading of any meter fixed in any premises at the request and for the convenience of any consumer at any time other than that of the periodical meter reading they may recover from such consumer the expenses reasonably incurred by them in so doing.

Special readings of water meters.

58. 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 for disconnecting and reconnecting such supply and such charge may be recovered summarily as a civil debt.

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

59. 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 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.

As to recovery summarily of sums due for fittings.

PART IV
—cont.

Recovery
of rates
and water
charges from
certain
owners.

60.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the water rate or charges charged on such hereditament the owner shall be liable to pay to the Board so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate or charge included in such payment and so much of such payment may on proof of such agreement be recovered by the Board from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

(2) The remedy of the Board under this section shall be in addition and without prejudice to their other remedies for the recovery of water rates or charges.

(3) This section shall not apply to any hereditament to which section 54 of the Third Schedule to the Act of 1945 applies by virtue of resolutions of the Board.

Remission of
water rates on
grounds of
poverty.

61. The Board shall have power to reduce or remit the payment of any sum due to them in respect of—

(1) the supply of water; and

(2) the sale or hire of any 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;

on account of the poverty of any person liable for the payment thereof.

Guarantees
in respect of
supplies for
new buildings.

62. Where in pursuance of section 37 of the Act of 1945 the owner of any land requires the Board to construct any works for the purpose of affording a supply of water to any new buildings which he proposes to erect the Board instead of requiring the owner to give an undertaking to pay in respect of each year such sum as is provided in paragraph (a) of the proviso to subsection (1) of the said section 37 may agree with him for the payment by him to the Board of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

As to meter
rents.

63.—(1) Notwithstanding anything in section 35 of the Act of 1945 if the Board so determine they shall not make any charge in respect of meter rent or meter hire.

(2) Nothing in this section shall prejudice or affect any enactment or agreement from time to time authorising the Board to make a minimum charge in respect of any supply afforded by meter.

Provision
of cisterns.

64. In the application of section 60 of the Third Schedule to the Act of 1945 within an area or part of an area in which a similar

provision is in force immediately before the appointed day and which is applicable to houses the erection of which is commenced after a date referred to in that provision the said section 60 shall have effect as if that date were therein mentioned instead of the date on which that section comes into force.

PART IV
—cont.

65. Where any person has—

Obstructions
to stopcocks
valves and
indicator
boards etc.

- (1) covered over any stopcock or valve or has otherwise obstructed the means of access to any stopcock or valve ;
or
- (2) caused or permitted any stopcock or valve to be covered over or the access thereto to be obstructed ; or
- (3) covered over damaged or removed any identification mark plate post or board installed by the Board for the location of any stopcock or valve or any support thereto ; or
- (4) caused or permitted any such identification mark plate post or board or support to be covered over damaged or removed ;

the expense incurred by the Board in uncovering the stopcock or valve or removing the obstruction or uncovering repairing or replacing the identification mark plate post board or support shall be paid to the Board by that person and may be recoverable by the Board as a simple contract debt in any court of competent jurisdiction or in the case of any amount not exceeding twenty pounds summarily as a civil debt.

66. Where any house building or other premises are demolished or appear to the Board to be uninhabitable or in the case of premises other than a 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 notwithstanding anything in section 38 of the Act of 1945 cut off the communication pipe by which water was supplied to such house building or other premises :

Cutting off
communica-
tion pipes to
prevent waste
of water.

Provided that—

- (1) 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 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 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 house building or premises or that the premises will be occupied within a reasonable period (as the case may be)

PART IV
—cont.

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 ;

- (2) the Board shall not exercise the powers of this section in relation to a communication pipe to which is connected a sprinkler system or other fire protection equipment dependent on pressure in a main without notice to the fire authority responsible under the Fire Services Act 1947 for the area in which the premises are situated.

Byelaws as to testing etc. of water fittings.

67.—(1) In addition to the powers of the Board to make byelaws under section 17 of the Act of 1945 the Board may in connection with the supply and use of water within the limits of supply for domestic purposes make byelaws—

- (a) as to the testing and stamping of taps cocks valves ferrules flushing cisterns and other similar apparatus prior to the installation thereof;
- (b) prescribing charges for such testing and stamping.

(2) The Board may also make byelaws as to the matters referred to in subsection (1) of this section in connection with the supply and use of water within the limits of supply for purposes other than domestic purposes.

(3) Subsections (3) and (4) of section 17 section 19 (other than paragraph (b) of subsection (6) thereof) and section 20 of the Act of 1945 shall apply to byelaws made under subsection (1) or subsection (2) of this section and such byelaws shall be deemed to be byelaws made under the said section 17.

(4) Any person who forges or counterfeits any stamp or mark used by the Board in pursuance of this section or uses or supplies any water fitting marked with any such stamp or mark knowing it to be forged or counterfeited shall be liable to a penalty not exceeding twenty pounds.

Supply of water where consumer has separate supply.

68.—(1) Notwithstanding anything in the Third Schedule to the Act of 1945 or in any other enactment a person shall not be entitled to demand or continue to receive for the purposes of a standby supply from the Board a supply of water for any premises having a separate supply of water unless he has agreed to pay to the Board such minimum annual sum as will provide a reasonable return on the capital expenditure incurred by the Board in affording such standby supply and will cover other standing charges incurred by the Board in order to meet the possible maximum demand for those premises and a charge per thousand gallons being the rate per thousand gallons from time to time charged by the Board for supplies for purposes other than domestic purposes calculated on the quantity of water actually taken at those premises by way of a standby supply.

(2) Any questions arising under this section as to the sum and charge to be paid in respect of any supply to which this section applies shall in default of agreement be referred to the Minister and the Minister may determine it himself or if he thinks fit refer it for determination by an arbitrator appointed by him.

PART IV
—cont.

(3) In this section the expression “standby supply” in relation to any premises means a supply of water which is available for those premises but which is not ordinarily used for supplying those premises.

69. Where the owner or occupier of any premises within the limits of supply which are not supplied with water by the Board habitually obtains for use in those premises water which has been supplied to other premises by the Board he shall pay to the Board such charges as he would be liable to pay if the premises owned or occupied by him were supplied with water by the Board.

As to
premises
deemed to be
supplied with
water.

70. (1) Where the Minister is satisfied that a serious deficiency in the supply of water exists or is threatened within the limits of supply he may on the application of the Board by order empower the Board to distribute water by means of stand-pipes in any street within such limits or by such other means as they think fit and to erect and maintain in any such street stand-pipes and any other apparatus for the distribution of water.

Temporary use
of stand-pipes.

(2) If at any time during the period during which an order under this section is in force the Board determine to distribute water by means of stand-pipes or by any other means then as respects any part of the said period—

(a) the Board shall not be liable to any fine under subsection (5) of section 38 of the Act of 1945 in respect of any failure to furnish or maintain a supply of water for domestic purposes; and

(b) the Board shall not be liable to any penalties under subsection (4) of section 27 of the Act of 1945 for failure to maintain a supply of water for purposes other than domestic purposes.

(3) An order under this section shall continue in force for such period as may be specified therein without prejudice to the right of the Minister at any time to revoke or extend the order:

Provided that where an order ceases to have effect by the effluxion of time or revocation the Minister may make another order under this section.

(4) The Board shall so exercise the powers of this section as not to prevent or obstruct the access to or the use of any fire hydrant for fire-fighting purposes by a fire authority.

(5) If during the period during which an order under this section is in force any fire hydrant used by the Board for the

PART IV
—cont.

purposes of this section is damaged (other than by a use for fire-fighting purposes or for any other purpose of a fire brigade) the Board shall be liable for the cost of repairing or replacing the hydrant incurred as the result of the damage.

Authorisation
of plumbers.

71.—(1) As from the day of commencement any person authorised to execute any work in connection with water fittings by registration by the Board under the provisions of this section shall so long as he continues to be so authorised be deemed to have the consent of the Board for the purposes of section 68 of the Third Schedule to the Act of 1945 as applied and incorporated in this Act but nothing in this section shall prejudice the power of the Board to give a consent under the said section 68 to any person who is not for the time being so authorised under the provisions of this section.

(2) Subject to the provisions of this section any person who—

(a) produces a certificate of registration by the Worshipful Company of Plumbers under the conditions appertaining to the national registration of plumbers or by any other body approved by the Minister for the purpose; or

(b) having served an apprenticeship to the plumbing trade shall satisfy the Board of his competence to carry out plumbing work in connection with water fittings;

and who shall have an established place of business and makes an application in that behalf and furnishes the Board with particulars of his name and place of business shall be registered by the Board in a book kept for that purpose (hereafter in this section called “the register”) and on so registering any person the Board shall issue to him a certificate of authorisation.

(3) (a) If the Board refuse to register any person under the last foregoing subsection they shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(b) Any person aggrieved by the refusal of the Board to register him under the last foregoing subsection may appeal to a magistrates’ court.

(c) A notice given under paragraph (a) of this subsection shall state the effect of paragraphs (a) and (b) of this subsection.

(4) (a) The Board may register the name of any employer in the register if he undertakes to accept full responsibility for all work carried out by any person employed by him in connection with water fittings and issue to such employer a certificate of authorisation and for the purposes of subsection (1) of this section the employer and any person employed by him in connection with water fittings shall be deemed to have such consent as is referred to in the said subsection (1).

(b) Any employer aggrieved by the refusal of the Board to register him under this subsection may appeal to a magistrates' court.

(5) Any person registered under the foregoing provisions of this section who fails to comply with any enactment relating to plumbing and water fittings shall be liable to have his authorisation suspended or cancelled by order of a magistrates' court.

(6) Where the authorisation of any person is cancelled by order of a court under the last foregoing subsection—

(a) he shall within seven days deliver up to the Board his certificate of authorisation and if he fails to do so he shall be liable to a fine recoverable on summary conviction not exceeding twenty shillings and to a daily fine not exceeding ten shillings; and

(b) he shall not again be registered by the Board under this section except in pursuance of a further order of a magistrates' court made on his application.

(7) It shall be the duty of the Board to give effect to any order of the court under this section and in particular to issue any necessary certificate and to make any necessary entry in the register.

(8) Notwithstanding the foregoing provisions of this section the Board shall enter the name of the Southern Gas Board in the register on the said gas board's undertaking with the Board that the said board will employ on any work in connection with water fittings persons competent to carry out plumbing work.

(9) In this section the expression "the day of commencement" means such day as may be fixed by resolution of the Board subject to and in accordance with the following provisions of this section.

(10) The Board shall cause to be published in a local newspaper circulating within the limits of supply notice—

(a) of the passing of any such resolution and of the day fixed thereby; and

(b) of the general effect of the provisions of this section; and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(11) Either—

(a) a copy of any such newspaper containing any such notice; or

(b) a photostatic or other reproduction certified by the clerk of the Board to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

PART V

FINANCE

Borrowing
powers.

72.—(1) The Board 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 that table and they shall repay all moneys so borrowed within such periods as they may determine not exceeding those respectively mentioned in the third column of the table:—

(1) Purpose	(2) Amount	(3) Period for repayment calculated from the date or dates of borrowing
(a) For payments in respect of the transfer to them of an undertaking or part of an undertaking under this Act (other than a payment to be made half-yearly or yearly) including the payment of any sums under the following provisions of this Act namely paragraph (b) of subsection (5) of section 20 (Transfer of local authorities' undertakings) subsections (2) (3) and (4) of section 23 (Transfer of companies' undertakings) subsection (1) of section 27 (As to transfer of a company undertaking) section 33 (Compensation to directors) section 34 (Compensation to Messrs. Charles Lucas & Marshall) section 35 (Compensation to auditors) and section 43 (Compensation to existing officers).	The sums requisite	Forty years
(b) For the payment of any sum payable by them under this Act in respect of expendable stores.	The sum requisite	Ten years
(c) For working capital	£100,000	Ten years
(d) For the payment of the sums payable by them in pursuance of section 118 (Costs of Act) of this Act.	The sum requisite	Five years

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under subsection (1) of this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

PART V
—cont.

(3) The purposes for which the Board may borrow money in pursuance of the Act of 1933 shall include the provision of further working capital.

73. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power 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.

Saving for
powers of
Treasury.

74. For the purposes of the definition of "statutory securities" in section 218 of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

As to
securities of
Board.

75.—(1) A constituent council may lend to the Board any sum which the Board are authorised to borrow on such terms and conditions and in such form as may be agreed between the Board and the council and a constituent council may borrow for the purpose.

Power to
lend money.

(2) The Board may lend to a constituent council by way of temporary loan any sum which that council are authorised to borrow on such terms and conditions and in such form as may be agreed between the council and the Board.

76.—(1) Notwithstanding anything contained in any other 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—

Consolidated
loans fund.

(a) all moneys borrowed by the Board by issue of authorised securities together with any moneys borrowed without 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:

PART V
—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 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 authorised securities the purchase of bonds or stocks 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:

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 section.

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

(4) The Board may pay into the consolidated loans fund any moneys forming part of any reserve insurance or other similar fund (hereinafter respectively 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 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 lending fund was established; and
- (b) There shall be paid out of the consolidated loans fund and credited to the lending fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate as may be determined by the Board to be as nearly equal as may be to the rate of interest which would be payable on a loan raised on mortgage.

(5) Save as in this section expressly provided all the obligations of the Board to holders of authorised securities shall continue in force.

(6) 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.

(7) Any scheme approved by the Minister under this section may be altered extended amended or annulled by a scheme made in like manner as the original scheme.

77.—(1) The Board may 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 such losses damages costs and expenses as may from time to time be specified in a resolution of the Board (in this section referred to as “ the specified risks ”). General insurance fund.

(2) The establishment of an insurance fund under this section shall not prevent the Board from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) In each year after the establishment of the insurance fund the Board 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 Board fully insured in some insurance office of good repute against the specified risks ; or

(b) if the Board insure in some insurance office against the whole or part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Board may (if they think fit) discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Board 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 prescribed amount.

(5) 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 respect of the specified risks sums standing to the credit of the general insurance fund unless applied in any other manner authorised by this Act or other enactment may be invested in statutory securities and any income arising from application or investment of the said sums shall be carried to the general insurance fund.

(6) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Board in respect of

PART V
—cont.

the specified risks 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 Board may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) 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 revenues of the Board.

(7) In this section—

“ insurance office ” includes an underwriter being a member of an association of underwriters;

“ prescribed amount ” means such sum as may from time to time be prescribed by the Board.

Scheme for
equated
periods.

78.—(1) The Board may make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Act of 1933 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) Any scheme made by the Board under this section shall have no force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Board as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this section may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

PART V
—cont.

79.—(1) In addition to any other form of borrowing the Board may exercise any statutory borrowing power by the issue of bonds to be called "Thames Valley Water Board Bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act.

Power to
issue bonds.

(2) Where the Board raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the Seventh Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

80. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Board.

Receipt in
case of
persons not
sui juris.

81.—(1) The Board may give notice to any person being registered as a holder of any security created or issued by them that they intend to send interest 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 Board of such objection they may from time to time send by post orders for the payment of interest to the address of such person appearing in the register :

Interest
orders by
post.

Provided that if such person give notice to the Board that he desires such orders to be sent to another person at a given address the Board may from time to time send the same by post to such other person at such address.

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

(3) The posting by the Board of an order for the payment of interest in pursuance of this section shall as respects the liability of the Board be equivalent to the delivery of the order to the registered holder of the mortgage.

PART V
—cont.

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

Closing of
registers.

82.—(1) The Board may close their register of mortgages to transfers of mortgages during the whole of the period of thirty days or any shorter consecutive period next before the date on which the interest on the mortgages to which such register relates is payable.

(2) The persons who on the date on which any register is closed to transfers are entered therein as holders of the mortgages to which such register relates shall be entitled to the interest next payable thereon.

Financial
arrangements.

83. The Board shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them and those arrangements shall be carried out under the supervision of the treasurer of the Board:

Provided that where the treasurer is not a whole-time officer of the Board (that is to say a person who devotes substantially the whole of his time to his employment by the Board) the said arrangements shall be carried out under the supervision of such officer of the Board as may be designated by them as their chief financial officer.

Precepts.

84.—(1) Before the commencement of every year the Board shall make estimates of the probable revenue and expenditure during the forthcoming year making allowance for any estimated credit or debit balance from any previous year.

(2) For the purpose of defraying the expenses of the Board not otherwise to be provided for precepts may be issued by the Board in accordance with the provisions of this section in respect of any year to each constituent council other than the County Council and the Oxfordshire Council whose district is wholly or partly within the limits of supply.

(3) During the period beginning on the appointed day and ending on the thirty-first day of March nineteen hundred and sixty-five or on the thirty-first day of March immediately preceding the date on which the new valuation lists for all rating areas come into force (whichever is the sooner)—

(a) if the sum required to be met by precept in any year is an amount of seven thousand five hundred pounds the said amount shall be paid by the councils of the rural districts of Abingdon Wallingford and Wantage and shall be apportioned among those councils as follows:—

	£
Abingdon Rural District Council ..	900
Wallingford Rural District Council ..	5,350
Wantage Rural District Council ..	1,250

and if the sum required to be met by precept is less than an amount of seven thousand five hundred pounds the said amount shall be apportioned among the said councils in similar proportions;

- (b) if the sum required to be met by precept in any year exceeds the amount of seven thousand five hundred pounds but does not exceed an amount of twenty thousand pounds the sum shall to the extent of an amount of seven thousand five hundred pounds be apportioned in the manner set out in paragraph (a) of this subsection and the remainder shall be apportioned among the constituent councils except the County Council the Oxfordshire Council and the Corporation in the proportion which the total rateable value of the hereditaments of their borough or district (or where part only of their borough or district is within the limits of supply the total rateable value of the hereditaments in that part) bears to the total rateable value of the hereditaments in all the said boroughs or districts or parts thereof other than hereditaments within the borough of Reading;
- (c) if the sum required to be met by precept exceeds twenty thousand pounds the sum shall to the extent of the amount of twenty thousand pounds be met in the manner set out in paragraph (b) of this subsection and the remainder shall be apportioned among all the constituent councils except the County Council and the Oxfordshire Council in the proportion which the total rateable value of the hereditaments in their borough or district (or where part only of their borough or district is within the limits of supply the total rateable value of the hereditaments in that part) bears to the total rateable value of the hereditaments in the said boroughs or districts or parts thereof:

Provided that during this period any precept issued for any year shall be subject to the appropriate adjustment when the accounts for the year are completed.

(4) For any year after the period mentioned in the last preceding subsection the sum required to be met by precept shall be apportioned among the constituent councils except the County Council and the Oxfordshire Council in the proportion which the total rateable value of the hereditaments in their borough or district (or where part only of their borough or district is within the limits of supply the total rateable value of the hereditaments in that part) bears to the total rateable value of the hereditaments in the said boroughs or districts or parts thereof.

(5) For the purposes of this section the rateable value of hereditaments shall be the rateable value thereof on the first

PART V
—cont.

day of January immediately preceding the year in respect of which the precept is issued and the constituent councils except the County Council and the Oxfordshire Council shall from time to time if and when so required by the Board furnish to them a true and correct statement of the total rateable value of the hereditaments in their borough or district (or where part only of their borough or district is within the limits of supply the total rateable value of the hereditaments in that part).

(6) The Board shall issue a precept before the first day of February immediately preceding the year in respect of which the precept is issued and the precept may require payment by such instalments on such dates as may be specified therein.

(7) Any sum mentioned in a precept issued under this section by the Board to any constituent council except the County Council and the Oxfordshire Council shall be a debt from that council and may be recovered accordingly without prejudice however to the right of the Board to exercise any powers conferred upon them by section 13 of the Rating and Valuation Act 1925.

(8) The precepting powers conferred by this section upon the Board shall not be exercised in respect of any year in which the rate poundage charged by the Board for a supply of water for domestic purposes is less than the prescribed rate poundage provided that—

- (a) during the period mentioned in subsection (3) of this section the prescribed rate poundage for the purposes of this section shall be the charges mentioned in subsection (1) of section 56 (Water charges) of this Act;
- (b) after the period mentioned in subsection (3) of this section the prescribed rate poundage shall be that authorised by subsection (2) of the said section 56 or by an order made by the Minister under section 40 of the Act of 1945.

Contributions
by Corporation
and County
Councils.

85. The Corporation and the County Council shall in every year each contribute to the expenses incurred by the Board the sum of two hundred pounds and the Oxfordshire Council shall in every year contribute to the said expenses the sum of one hundred pounds.

Application
of moneys
received by
Board.

86.—(1) All moneys received by the Board in respect of their undertaking (in this section referred to as “the undertaking”) including amounts brought forward from any previous year except—

- (a) borrowed money;
- (b) money arising from the disposal of lands acquired for the purposes of the undertaking;
- (c) other capital money received by them in respect of the undertaking; and

(d) any capital contribution or contributions made to the Board by the Minister in pursuance of the Rural Water Supplies and Sewerage Act 1944 or by the County Council or the Oxfordshire Council or the county council of the administrative county of Hampshire in pursuance of that Act or of section 307 of the Act of 1936;

shall be applied by them—

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

secondly in payment of the sums payable in accordance with subsection (2) of section 20 (Transfer of local authorities' undertakings) of this Act to any council as consideration for the transfer of their undertaking or part of their undertaking;

thirdly in payment of the interest on moneys borrowed by the Board under any statutory borrowing power;

fourthly in providing the requisite appropriations or sinking fund payments or instalments in respect of the repayment of moneys borrowed by the Board under any statutory borrowing power;

fifthly in payment of all other expenses of executing this Act not being expenses properly chargeable to capital;

sixthly (if the Board think fit) in acquiring any lands or in extending improving and constructing any works for the purpose of the undertaking;

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

eighthly (if the Board think fit) in setting apart money for a reserve fund formed under the next following section.

(2) Any credit or debit balance remaining in any year including any balance brought forward shall be carried forward to the following year.

(3) All capital moneys received by the Board in respect of the disposal of any property forming part of the undertaking shall be applied by them in the reduction of the capital moneys borrowed by them or in such other way as may be approved by the Minister.

87.—(1) The Board may subject to the provisions of this section by setting apart in any year out of revenue such sums as they think fit form and maintain a reserve fund for the purpose of meeting any extraordinary claim or demand which may at any time be made upon them or defraying the cost of renewing

Reserve
fund.

PART V
—cont.

repairing enlarging or improving any part of the works forming part of the Board's undertaking or otherwise for the benefit of the said undertaking.

(2) Any sums standing to the credit of the reserve fund unless applied in any other manner authorised by this Act or any other enactment may be invested in statutory securities and any income arising from the application or investment of the said sums shall be carried to the reserve fund.

(3) Whenever and so long as the amount standing to the credit of the reserve fund amounts to a sum equal to ten per centum of the capital expenditure theretofore incurred by the Board and by the constituent councils upon the Board's undertaking no contributions from the revenue of the said undertaking shall be made to the fund.

(4) No contribution shall be made by the Board from the revenue of their undertaking to the reserve fund in any year in respect of which they issue a precept under section 84 (Precepts) of this Act.

Accounts and
audit.

88.—(1) The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent council of the Board or by any officer of any such council authorised by that council for that purpose.

(2) (a) The accounts of the Board shall be audited annually.

(b) The Board shall by a resolution (in this section referred to as "the initial resolution") adopt either the system of district audit or the system of professional audit. The initial resolution must be passed not later than two months after the appointed day at a meeting of the Board specially convened for the purpose with notice of the object of the meeting of which not less than one month's previous notice must be given to every member of the Board.

(c) The provisions of Part X of the Act of 1933 (other than those of sections 237 and 238) shall mutatis mutandis and with all necessary modifications extend and apply to the Board as if the Board were the council of a borough :

Provided that—

(i) the following paragraph shall be substituted for paragraph (b) of subsection (3) of section 239 of the Act of 1933 :—

"(b) no person shall be qualified to be so appointed unless he is a member of one or more of the following bodies :—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified and Corporate Accountants ;

the Institute of Chartered Accountants in Ireland ;
any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section 161 of the Companies Act 1948 by the Board of Trade ”; and

(ii) subsection (4) of the said section 239 shall not apply to the initial resolution.

(3) It shall be lawful for the Board at any time after the expiration of a period of five years from the date of the initial resolution and thereafter from time to time by means of a subsequent resolution passed and confirmed in accordance with subsection (4) of the said section 239 to adopt the other of the two systems which are referred to in the said section 239.

(4) A copy of the abstract of the accounts of the Board and of any report to the Board made by an auditor shall be sent by the Board to each constituent council as soon as may be after completion of the audit.

89. The Board may pay as establishment expenses under section 86 (Application of moneys received by Board) of this Act— Payment of certain expenses.

- (1) the reasonable expenses incurred by the Board in connection with the public opening of works of the Board or works from which the Board may be entitled to a supply of water and in connection with visits by members officers or employees of the Board to the works or premises of other water undertakers or of the Board and in connection with the entertainment of representatives of other authorities or bodies visiting the Board's works or premises ;
- (2) such allowance as the Board may think reasonable to the chairman of the Board for the purpose of enabling him to meet the expenses of his office ; and
- (3) reasonable subscriptions whether annually or otherwise 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 the reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of such societies or bodies and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

PART V
—cont.

Modification
of mortgages
by endorse-
ment under
hand.

90.—(1) Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary the terms of a mortgage to which the Board are a party may be varied by an endorsement in writing on the deed by which such mortgage was originally granted where the variation consists of an extension of the time for the repayment of the principal moneys secured by the mortgage or of an alteration of the rate of interest payable by the mortgagor on the principal moneys so secured and for the time being not repaid or both of such extension of time and of such alteration of rate of interest.

(2) For the purposes of this section an endorsement by the clerk or his duly authorised representative shall be deemed to be an endorsement by the Board and if any other body corporate is also a party to the mortgage an endorsement by any person duly authorised by them shall be deemed to be an endorsement by them.

As to proof
of continued
existence of
pensioners.

91. Notwithstanding anything in any enactment the Board shall not be required to make any payment by way of superannuation allowance pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Board in such manner and at such times as they may from time to time require of the continued existence of such person.

Payment of
pension etc.
to person
of unsound
mind.

92.—(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 the person so detained as aforesaid 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 husband relations or dependants of the person so detained as aforesaid.

(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 the wife husband relations or dependants of such person.

(3) This section applies to any sum payable by the Board to any person by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such person shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their powers under this section for the first time in relation to any person 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 powers and in relation to any person to whom subsection (2) of this section applies the Board shall at the same time give notice in writing to that person in a form approved by the Court of Protection :

PART V
—cont.

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 give to the Board notice in writing that they object to the exercise by the Board of the said powers in relation to any person the said powers 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 withdraw 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 powers.

PART VI

MISCELLANEOUS PROVISIONS RELATING TO BOARD

93.—(1) In any case in which an undertaking or part of an undertaking transferred by virtue of this Act includes—

Assets
partly used
for
transferred
undertaking.

(a) an asset which is held or used in part for the purposes of the undertaking or the part of an undertaking transferred and in part for other purposes of the transferors; or

(b) an asset which forms part only of a building or other property of the transferors;

an agreement may before the appointed day be entered into between the transferors and the Board in relation to that asset and without prejudice to the generality of this provision any such agreement may—

(i) provide for the exclusion of the asset from the transfer;

(ii) provide for the inclusion in the transfer of other property of the transferors in connection with which the asset is used;

(iii) provide for the joint user of the asset;

(iv) provide where necessary for the granting of easements or rights over or in respect of land to be transferred or land to be retained by the transferors; and

PART VI
—cont.

(v) state the terms and conditions of such agreement (including payments to be made in respect thereof) and (if thought fit) the period for which it shall operate.

(2) Where any such agreement provides for the exclusion of the asset from the transfer or for the joint user of the asset such asset shall not be transferred to the Board by virtue of this Act.

(3) Where any such agreement provides for the inclusion in the transfer of other property of the transferors in connection with which the said asset is used such property shall on the appointed day or on a date stated in the agreement be transferred to the Board by virtue of this Act.

(4) Where under subsection (1) of this section a question has arisen between the transferors and the Board whether (a) an asset should be excluded from the transfer or (b) there should be included in the transfer other property of the transferors in connection with which the said asset is used or (c) the said asset should be used jointly and the matter has not been agreed between the transferors and the Board before the appointed day the said assets shall not on that day be transferred to the Board but may be used by the Board on such terms as may be agreed between the transferors and the Board or failing agreement as may subsequently be determined by arbitration and in such a case—

(a) if it is afterwards agreed or determined by arbitration that the said asset shall be excluded from the transfer or shall be used jointly by the transferors and the Board subsection (2) of this section shall apply as if it had been so agreed before the appointed day;

(b) if it is afterwards agreed or determined by arbitration that the said asset shall be included in the transfer or that there shall be included in the transfer other property of the transferors in connection with which the said asset is used the said asset or such other property (as the case may be) shall accordingly be transferred to the Board by virtue of this Act on a date stated in such agreement or in the award of the arbitrator (as the case may be).

(5) In default of agreement between the transferors and the Board on any matter referred to in this section the question shall be referred to arbitration and the award of the arbitrator may provide for any matter for which an agreement under this section might have provided.

(6) For the purposes of this section “the transferors” means the undertakers from whom an undertaking or part of an undertaking is by virtue of this Act transferred.

94. If since the twenty-seventh day of November nineteen hundred and fifty-seven any order has been made by the Minister under the Act of 1945 or the Water Act 1948 or the Water Act 1958 relating to any undertakers whose undertaking or part of whose undertaking is transferred by virtue of this Act or relating to or affecting any such undertaking or part of an undertaking or if any such order is made before the appointed day the Minister may make such further order as he may deem necessary or expedient in consequence thereof for amending or revoking the order so made or to be made or amending the relevant provisions of this Act.

PART VI
—cont.

Transitory
amending
orders.

95.—(1) The Board and any council may enter into and carry into effect agreements with respect to the collection by such council 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 that the council may levy and recover such rates and charges as though they were payable to the council and not to the Board.

Agreements
as to
collection
of rates etc.

(2) A council 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.

(3) A council with whom an agreement is made under this section shall be entitled to receive in every year from the Board such sum as may be agreed between the Board and that council (or failing agreement as may be determined by arbitration) as payment in respect of the costs incurred by them.

(4) Any such rates and charges may be collected by the council with whom the agreement is made together with the general rate of their borough or district; and

- (a) for the collection and recovery of such rates or charges the council shall have the same powers as they have for the collection and recovery of the general rate;
- (b) the same books and forms of demand note and receipt may be used for the general rate and such rates or charges ; and
- (c) there may be included in one and the same complaint information summons or warrant or in any schedule thereto two or more sums payable by any one person in respect of the water rates and charges and the general rate payable by him.

(5) The Board on the one hand and the constituent councils or any of them on the other hand may also enter into and carry into effect agreements for or with respect to any of the other purposes or provisions of this Act.

PART VI
—cont.
Superannua-
tion and
pensions.

96.—(1) The Board shall be deemed to be a local authority within the meaning of the Local Government Superannuation Acts 1937 to 1953 (hereafter in this section referred to as “the Superannuation Acts”).

(2) Subject to the provisions of this section transferred officers shall be afforded by the Board superannuation rights not less favourable than those enjoyed by them immediately before the appointed day.

(3) The Board shall in respect of transferred officers who are servants and who immediately before the appointed day were enjoying superannuation rights under the Superannuation Acts be deemed to have passed a statutory resolution as defined by section 40 of the Local Government Superannuation Act 1937 for the purposes of subsection (2) of section 3 of that Act and any such transferred officer shall be deemed to belong to a class or description of persons specified therein to be contributory employees of the Board.

(4) The Board shall as respects transferred officers who immediately before the appointed day had any superannuation rights otherwise than under the Superannuation Acts or who before the appointed day had no superannuation rights make a scheme to be approved by the Minister to provide the extent to which previous employment with the undertaking from which such officer had been transferred shall be reckonable for the purpose of entitlement to or calculating the amount of any superannuation benefit (including a return of contributions) under the Superannuation Acts.

(5) A transferred officer who immediately before the appointed day had any superannuation rights otherwise than under the Superannuation Acts may by notice served on the Board within six months after the approval of a scheme made by the Board under subsection (4) of this section elect to retain those rights and in that case he shall not acquire any superannuation rights under the Superannuation Acts.

(6) For the purposes of subsection (4) of this section any fund maintained or moneys held for the purposes of satisfying any superannuation rights otherwise than under the Superannuation Acts in respect of transferred officers shall to such extent as it is not required to satisfy the rights of those officers who give the notice referred to in the last preceding subsection be applied towards securing rights in respect of the reckoning of the previous employment aforesaid of the transferred officers who had been participants in such fund before becoming transferred officers.

(7) Any payment due to be made by any constituent council after the appointed day as a result of arrangements made by that council in respect of a deficiency disclosed by a valuation under-

taken prior to the appointed day in accordance with section 22 of the Local Government Superannuation Act 1937 relating to an undertaking or part of an undertaking transferred by this Act shall be repaid to the constituent council by the Board.

(8) In this section the expression “transferred officer” means an officer or servant who—

(a) immediately before the first day of January nineteen hundred and sixty is in the service of a council or a company whose undertaking or part of whose undertaking is transferred by this Act and who is wholly or mainly employed for the purposes of that undertaking; and

(b) on or within three months after the appointed day becomes an officer or servant of the Board.

97.—(1) Subject to the provisions of this section the Board shall have power to promote or oppose any Bill in Parliament or any statutory order.

Power for
Board to
apply for
further
powers etc.

(2) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any Bill in Parliament as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses or out of moneys to be borrowed by the Board for the purpose.

(3) A resolution to promote or oppose a Bill under the powers conferred by this section shall not be effective unless passed by a majority of the whole number of the members of the Board at a meeting thereof held after ten clear days' notice of the meeting and of the purpose thereof has been given by advertisement in one or more local newspapers circulating in the limits of supply such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the Board.

(4) (a) In the case of the promotion of a Bill the resolution shall be published in one or more local newspapers circulating in the limits of supply and shall be submitted to the Minister for his approval and the Board shall not proceed with the promotion of the Bill if the Minister notifies them that he disapproves the resolution.

(b) The approval of the Minister shall not be given until the expiration of seven days after the publication of the resolution and in the meantime any local government elector for an area within the limits of supply may give notice to the Minister of his objection thereto.

(5) (a) In the case of the promotion of a Bill a further meeting of the Board shall be held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament

PART VI
—cont.

and unless the propriety of the promotion is confirmed by a majority of the whole number of the members of the Board at that meeting the Board shall take all necessary steps to withdraw the Bill.

(b) Not less than ten clear days before the date of a meeting to be held under this subsection the like notice shall be given in relation thereto as is required to be given in relation to a meeting held under subsection (3) of this section.

Dwelling-houses for employees and other buildings.

98. The Board may purchase or take on lease and maintain houses and buildings for persons in their employment and the Board may also erect maintain and let to those persons any houses and buildings upon any land for the time being belonging or leased to the Board.

Evidence of appointments authority etc.

99. 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.

In executing works for owner Board liable for negligence only.

100. Whenever the Board or any of their officers under any enactment execute re-execute or alter any work or do any act or thing in default of the owner occupier or other person required to execute re-execute or alter such work or do such act or thing the Board shall not as between themselves and such owner occupier or other person in the absence of any negligence on their part or the part of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Board in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Application of section 182 of Berkshire County Council Act 1953 to Board.

101. For the purposes of section 182 (Provision of reciprocal services &c. by Council and local authority) of the Berkshire County Council Act 1953 the expression "local authority" shall include the Board.

PART VII

MISCELLANEOUS PROVISIONS RELATING TO COUNTY COUNCIL
AND CORPORATION

102. (1) In its application to the County Council and to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments out of either the superannuation fund maintained by the County Council or the superannuation fund maintained by the Corporation respectively under that Act (each of which funds is hereinafter referred to as "the superannuation fund") there were substituted an obligation to invest such moneys as follows (namely):—

Investment of
superannua-
tion fund.

- (a) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of the said Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or
- (b) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof respectively; or
- (c) in or upon any of the stocks bonds mortgages or securities of any municipality county or district council or local or public authority or board in the United Kingdom or any such dominion commonwealth union dependency colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or
- (d) in or upon any stocks shares bonds mortgages or securities the capital whereof or the minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or
- (e) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament or by royal charter being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or

PART VII
—cont.

- (f) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof has at the time of making the investment at least sixty years to run; or
- (g) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that no such moneys as aforesaid shall be invested in any investment of the nature specified in paragraph (e) of this subsection—

- (i) unless the company has paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; and
- (ii) at any time when the value of all the investments made under the said paragraph (e) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund.

(2) For the purposes of the foregoing subsection the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

Amendments
of Berkshire
County
Council Act
1953.

103. The Berkshire County Council Act 1953 shall have effect and shall be deemed always to have had effect as if—

- (1) the following subsection were added to section 12 (Retention and disposal of land):—

“ (3) For the purposes of this section land appropriated by the Council to the purposes of this Act subject to and in accordance with the provisions of section 163 of the Act of 1933 shall be deemed to have been acquired by them under this Act ”:

- (2) in section 71 (Saving from last two preceding sections) for the words “ The last two preceding sections ” there were substituted the words “ Any order or byelaw made under the last two preceding sections ”:
- (3) the following proviso were added to subsection (1) of section 142 (Power to borrow):—

“ Provided that the consent of any sanctioning authority shall not be required to a borrowing by the

Council for the purposes of paragraph (c) of this subsection ” :

PART VII
—cont.

- (4) in paragraph (d) of subsection (1) of section 155 (Capital fund of local authorities) for the words “ thirty thousand pounds ” there were substituted the words “ twenty-five thousand pounds ”:
- (5) in paragraph 1 of the Fourth Schedule (which sets out provisions which shall have effect with regard to bonds) for the words “ not being less than seven years as the issuing authority may determine ” there shall be substituted the words “ as the issuing authority may from time to time determine ”.

PART VIII

EMPLOYMENT AGENCIES

104.—(1) In this Part of this Act the expression “ employment agency ” means any agency or registry carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity:

Definition of
employment
agency.

Provided that the following shall not be deemed to be employment agencies within the meaning of this Part of this Act:—

- (a) any employment agency conducted by or under the direction and supervision of the Minister of Labour and National Service under the Employment and Training Act 1948 or any other Act of Parliament; or
- (b) any youth employment bureau conducted by the local education authority; or
- (c) any employment agency which is carried on exclusively for the purpose of obtaining employment for—
- (i) persons formerly members of Her Majesty’s naval military or air forces; or
- (ii) persons released from a prison or Borstal institution or from an approved school or detention centre;

and which is certified for the time being by the Admiralty or the Army Council or the Air Council or the Secretary of State (as the case may be) to be properly conducted; or

- (d) any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision of situations or employment is merely subsidiary Any question whether a society or body is a society or body within the meaning of this paragraph shall be determined by the Charity Commissioners.

(2) The provisions of this Part of this Act shall not apply to an agency for the supply of nurses as defined in section 8 of

PART VIII
—cont.

the Nurses Agencies Act 1957 but this subsection shall not be deemed to except from the provisions of this Part of this Act any business other than for the supply of nurses carried on in conjunction with such an agency.

Appointed day
for Part VIII.

105.—(1) In this Part of this Act the expression “ the appointed day ” means such day as may be fixed by resolution of the County Council subject to and in accordance with the provisions of this section.

(2) The County Council shall cause to be published in a local newspaper circulating in the county notice—

- (a) of the passing of any such resolution and of the day fixed thereby; and
- (b) of the general effect of the provisions of this Part of this Act;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(3) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the clerk of the County Council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of publication.

Employment
agencies to be
licensed.

106. As from the appointed day no person shall carry on an employment agency in the county without a licence from the County Council authorising him so to do:

Provided that it shall be lawful for any person who—

- (1) immediately before the appointed day was carrying on an employment agency; and
- (2) had before the appointed day duly applied for a licence under this Part of this Act;

to continue to carry on that employment agency until he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 113 (Appeals) of this Act.

Application
for licence for
employment
agency.

107.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the County Council and shall in the application state—

- (a) his full name;
- (b) his age and nationality;
- (c) his private address or if the application be made by or on the behalf of a company society association or

body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body;

- (d) the name under which and the address at which the employment agency is carried on or proposed to be carried on;
- (e) the nature of the employment agency;
- (f) whether and if so to what extent he is or has been interested in any other employment agency; and
- (g) such information (if any) as the County Council may reasonably require with respect to the person or premises to be licensed.

(2) The person making an application under this section shall when making the same pay to the County Council such fee as the County Council may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant of a licence	2	2	0
(b) in respect of an application for the renewal of a licence	1	1	0

and the fees paid on any application for the grant or renewal of a licence may be retained by the County Council whether such licence is or is not granted or renewed.

(3) Subject to the foregoing provisions of this section the County Council may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

108.—(1) The County Council shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee or in the nature of the business carried on at the address and generally for securing the proper conduct of the employment agency:

Grant of licence for employment agency.

Provided that the County Council may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years; or
- (b) to any person who on account of misconduct or for any other sufficient reason is in the opinion of the County Council unsuitable to hold such licence; or

PART VIII
—cont.

(c) in respect of any employment agency which has been or is being improperly conducted; or

(d) in respect of any employment agency which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

(2) The County Council shall not either refuse to renew or revoke a licence under this Part of this Act until they have given to the applicant or holder an opportunity of being heard against such refusal or revocation.

(3) If the County Council refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall as soon as reasonably practicable notify the applicant or holder of the renewal or revocation and of the grounds therefor and of the right of appeal conferred by this section and the time within which such appeal may be brought.

(4) Any person aggrieved by a refusal of the County Council to grant or renew a licence or by the revocation of a licence under this Part of this Act or by any conditions attached to such a licence may appeal to a magistrates' court.

(5) Every licence granted or renewed as aforesaid shall (unless revoked) be valid until the date of the next annual meeting fixed for the purpose of considering applications under this Part of this Act and no longer.

Byelaws as to
employment
agencies.

109.—(1) The County Council may make byelaws—

(a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his employment agency;

(b) prescribing the entries to be made in connection with such business in such books cards or forms;

(c) for preventing fraud and immorality in the conduct of employment agencies; and

(d) generally for regulating any premises used for the purposes of or in connection with any such agency.

(2) As respects byelaws made under this section the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Secretary of State.

(3) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the County Council) in the premises to which the licence relates a copy of the byelaws made under this section.

Penalties.

110.—(1) Every person who—

(a) carries on an employment agency without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such a licence

or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Act to be given; or

(b) refuses to permit any officer of or person duly authorised by the County Council to enter or inspect any such premises as are referred to in the last preceding section or the books cards or forms kept in connection with the employment agency carried on therein or obstructs any such officer or person in the execution of this Part of this Act; or

(c) acts or offends against any byelaw made under this Part of this Act or any of the provisions of this Part of this Act for the contravention of which no penalty is by this section specifically provided;

shall be liable—

(i) in respect of an offence under paragraph (a) of this section to a fine not exceeding fifty pounds and to a daily fine not exceeding twenty pounds; and

(ii) in respect of an offence under paragraph (b) or paragraph (c) of this subsection to a fine not exceeding five pounds and to a daily fine not exceeding two pounds;

and in respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a fine) make an order revoking the licence (if any).

(2) A court ordering the revocation of a licence under this section may suspend the operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for giving notice of appeal to quarter sessions have expired:

Provided that if notice of appeal is given within the said fourteen days an order made under this section shall be suspended until the appeal is finally determined or abandoned.

111. Where an offence punishable under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance or be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in such capacity he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences by
bodies
corporate.

112. As from the appointed day section 85 of the Public Health Acts Amendment Act 1907 shall cease to be in force in the county.

As to section 85
of Public
Health Acts
Amendment
Act 1907.

113.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment

Appeals.

PART VIII
—cont.

in this Part of this Act as it applies with respect to such appeals under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any refusal or other decision of the County Council against which a right of appeal is conferred by this Part of this Act makes it unlawful for any person to carry on an employment agency which he was lawfully carrying on up to the time of the refusal or decision then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution that person may carry on that employment agency.

Application
of provisions
of Act of 1936.

114.—(1) The sections of the Act of 1936 hereinafter referred to shall have effect as if the references therein to that Act included a reference to this Part of this Act.

(2) The sections of the Act of 1936 hereinbefore referred to are—

Section 287 (Power to enter premises);

Section 296 (Summary proceedings for offences);

Section 297 (Continuing offences and penalties);

Section 299 (Inclusion of several sums in one complaint &c.);

Section 304 (Judges and justices not to be disqualified by liability to rates).

Inquiries
and revocation
and variation
of orders.

115. Sections 49 and 50 of the Act of 1945 shall have effect as if the references therein to that Act included a reference to this Act.

PART IX
GENERAL

Arbitration.

116.—(1) In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties—

1	2
Provision of Act	Person appointing arbitrator
Subsections (6) and (8) of section 20	The President of the Institute of Municipal Treasurers and Accountants.
Subsection (2) of section 22	The President of the Institute of Municipal Treasurers and Accountants.

1

2

PART IX
—cont.

Provision of Act	Person appointing arbitrator
Subsection (2) of section 23 ..	The President of the Law Society.
Subsection (3) of section 27 ..	The President of the Law Society.
Subsection (8) of section 29 ..	The President of the Law Society.
Subsection (2) of section 37 ..	The President of the Law Society.
Subsection (2) of section 39 ..	The President of the Law Society.
Section 45	The President of the Institution of Civil Engineers.
Subsection (3) of section 55 ..	The President of the Institution of Civil Engineers.
Section 93	The Minister.
Subsection (3) of section 95 ..	The President of the Institute of Municipal Treasurers and Accountants.
Subsection (5) of section 118 ..	The President of the Institute of Municipal Treasurers and Accountants.
Paragraph 6 of the Fifth Schedule	The President of the Institution of Civil Engineers.

(2) An arbitrator agreed upon or appointed for the purposes of this Act may (if he thinks fit) be assisted by an engineering or a financial assessor.

117. 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.

Saving for town and country planning.

118.—(1) The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto (including any costs charges and expenses incurred by the County Council and the Corporation in opposing the Bills intituled respectively the Mid-Wessex Water Bill and the South Bucks and Oxfordshire Water Bill in the sessions of Parliament 1957–58 and 1958–59) incurred since the thirty-first day of December nineteen hundred and fifty-six 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 County Council and the Corporation in equal shares out of the county fund of the County Council and the general rate fund of the borough of Reading respectively or out of moneys to be

Costs of Act.

PART IX
—cont.

borrowed under this section but shall be repaid to them by the Board after the thirty-first day of March nineteen hundred and sixty-five or after the thirty-first day of March immediately before the date on which the next new valuation lists for all rating areas come into force (whichever shall be the sooner) out of any moneys to be borrowed by the Board under the powers of this Act.

(2) The County Council and the Corporation may borrow without the consent of any sanctioning authority the sum requisite for the payment of the amount of the said costs charges and expenses and they shall repay all moneys so borrowed within such periods as they may severally determine not exceeding five years from the date or dates of borrowing.

(3) The provisions of Part IX of the Act of 1933 (except sections 212 213 and 214 of that Act) so far as they 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 by this section for the repayment of the money borrowed shall as respects that money be the period fixed by the said Part IX.

(4) (a) The Board shall pay to the County Council and to the Corporation an amount equal to—

(i) the interest paid and management expenses incurred thereon by the County Council and the Corporation on any money borrowed under this section; or

(ii) if some or all of the said costs charges and expenses are in pursuance of subsection (1) of this section paid by the County Council or the Corporation out of their said county fund or general rate fund respectively then the amount which would have been received by the County Council and the Corporation if they had been paid interest on the amount of the said costs charges and expenses at the rate of interest fixed by the Treasury under the Public Works Loans Act 1897 for loans to local authorities for the period of five years and current on the appointed day.

(5) Any question which may arise between the Board and the County Council and the Corporation as to the amount payable under this section shall be determined by arbitration.

(6) The provisions of section 68 (Consolidated loans fund) of the Reading Corporation Act 1930 and of section 145 (Consolidated loans fund) of the Berkshire County Council Act 1953 and of any scheme approved by the Minister thereunder shall not apply to any moneys borrowed by the Corporation or the County Council under subsection (2) of this section.

SCHEDULES

FIRST SCHEDULE

MODIFICATIONS OF PROVISIONS OF THE THIRD SCHEDULE
TO THE ACT OF 1945 APPLIED AND INCORPORATED

Section 3.

Provisions	Modifications
Section 12 (Map of underground works to be prepared and kept up to date)	In subsection (1) for the words "within six months after the first occasion" there shall be substituted the words "within three years after the first occasion".
Section 19 (Power to lay mains)	The expression "main" shall be deemed to include discharge pipes or drains.
Section 39 (Duty of undertakers as respects constant supply and pressure)	For the words "to the top of the top-most storey" in subsection (1) there shall be substituted the words "to an altitude of thirty-five feet above the ground level".
Section 43 (Power to break open streets forming boundary of limits of supply)	After the words "and removing" there shall be inserted the words "mains and".
Section 54 (Water rates on certain houses may be demanded from the owners)	In subsection (1) for the words "thirteen pounds" there shall be substituted the words "eighteen pounds or is let to monthly or weekly tenants or to tenants holding for any other period less than a quarter of a year" and the proviso shall be omitted.
Section 61 (Power to test water fittings)	The addition at the end of the section of the words "and for that purpose may erect and maintain a testing station".
Section 63 (Power to repair supply pipes)	In subsection (2) for the words "may be settled by the court" there shall be substituted the words "may be settled by the water engineer of the undertakers or other officer duly authorised in that behalf by the undertakers".
Section 64 (Penalty for waste &c. of water by non-repair of water fittings)	The modifications specified in the schedule to the Local Government (Miscellaneous Provisions) Act 1953.

SECOND SCHEDULE

PART I

Section 6.

CONSTITUTION OF BOARD

The Board shall consist of thirty-eight members and the number of members to be appointed by each constituent council shall be the number set opposite the name of that constituent council as follows:—

The Corporation	.. .. .	18
The County Council	.. .. .	2
The Oxfordshire Council	.. .. .	1

2ND SCH.
—cont.

Council of the borough of Henley-on-Thames	..	..	..	1
Council of the borough of Newbury	..	..	..	2
Council of the borough of Wallingford	..	..	..	1
Wantage Urban District Council	..	..	..	1
Abingdon Rural District Council	..	..	..	1
Bradfield Rural District Council	..	..	..	2
Bullington Rural District Council	..	..	..	1
Henley Rural District Council	..	..	..	2
Hungerford Rural District Council	..	..	..	1
Newbury Rural District Council	..	..	..	2
Wallingford Rural District Council	..	..	..	1
Wantage Rural District Council	..	..	..	2

Section 9.

PART II

RETIREMENT OF FIRST MEMBERS OF BOARD

1. The first members of the Board shall retire as follows:—

(1) Nineteen members being—

- (a) nine of the members appointed by the Corporation;
- (b) one of the members appointed by the County Council;
- (c) one of the members appointed by the Council of the borough of Newbury;
- (d) one of the members appointed by the Bradfield Rural District Council;
- (e) one of the members appointed by the Henley Rural District Council;
- (f) one of the members appointed by the Newbury Rural District Council;
- (g) one of the members appointed by the Wantage Rural District Council; and
- (h) the members appointed by the Councils of the borough of Wallingford of the urban district of Wantage and of the rural districts of Abingdon and Bullington;

shall retire in the year nineteen hundred and sixty-one;

(2) The remaining nineteen members shall retire in the year nineteen hundred and sixty-three.

2. In the case of a constituent council appointing two or more members of the Board the order of retirement of those members shall be determined by the constituent council making the appointment.

PART III

RULES AS TO MEETINGS AND PROCEEDINGS OF BOARD

2ND SCH.
—cont.
Section 14.

1.—(1) The first meeting of the Board shall be the annual meeting for the year nineteen hundred and fifty-nine and thereafter the first meeting after the first day of June in any year shall be the annual meeting.

(2) In addition to the annual meeting the Board shall in every year after the year ending on the thirty-first day of March nineteen hundred and sixty hold at least three other meetings which shall be as near as may be at regular intervals for the transaction of general business.

2.—(1) The Board shall at their annual meeting elect one of their number to be chairman and the chairman shall unless he resigns his office or ceases to be a member of the Board continue in office during the pleasure of the Board or until the next annual meeting when he shall be eligible for re-election.

(2) The Board may at their annual meeting elect one of their number to be vice-chairman who shall unless he resigns his office or ceases to be a member of the Board continue in office during the pleasure of the Board or until immediately after the election of the chairman at the next annual meeting when he shall be eligible for re-election.

3.—(1) On a casual vacancy occurring in the office of chairman or vice-chairman of the Board the vacancy shall be filled by the appointment by the Board of one of their number at a meeting held as soon as practicable after the vacancy occurs and where the office vacant is that of chairman the meeting shall be convened by the clerk.

(2) The person appointed under this rule to fill a casual vacancy shall hold office during the pleasure of the Board or until the person in whose place he is appointed would regularly have retired and he shall then retire.

4.—(1) At a meeting of the Board the chairman if present shall preside.

(2) If the chairman is absent from a meeting of the Board the vice-chairman if present shall preside.

(3) If both the chairman and vice-chairman of the Board are absent such member of the Board as the members present shall choose shall preside.

5.—(1) The chairman of the Board may call a meeting of the Board at any time.

(2) If the chairman refuses to call a meeting of the Board after a requisition for that purpose signed by five members of the Board has been presented to him or if without so refusing the chairman does not call a meeting within seven days after such requisition has been presented to him any four members of the Board on that refusal or on the expiration of such seven days (as the case may be) may forthwith call a meeting of the Board.

(3) Three clear days at least before a meeting of the Board—

(a) notice of the time and place of the intended meeting shall be published at the offices of the Board and where the meeting

2ND SCH.
—cont.

is called by members of the Board the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the clerk shall be left at or sent by post to the usual place of residence of every member of the Board:

Provided that want of service of the summons on any member of the Board shall not affect the validity of a meeting:

Provided also that no business shall be transacted at a meeting other than that specified in the summons served in respect thereof.

6. No business shall be transacted at a meeting of the Board unless at least one-third of the whole number of members are present thereat.

7. A copy of the minutes of proceedings at every meeting of the board shall be sent to the clerks of the constituent councils within twenty-one days after the date of the meeting.

8. The provisions of Part V of the Third Schedule to the Act of 1933 shall apply to the Board as if the Board were a local authority and as if for references therein to the said Act there were substituted references to this Act.

THIRD SCHEDULE

PART I

PROVISIONS OF ACT OF 1933 APPLIED TO THE BOARD

Provisions applied	Subject-matter
Sections 58 59 63 76 95 and 96	Members and meetings etc.
Sections 119 to 123	Officers.
Sections 195 to 200 and 202 to 218	Borrowing.
Section 266	Contracts.
Sections 276 277 and 278	Legal proceedings.
Section 283	Inspection of documents.
Sections 287 to 289	Notices etc.

PART II

PROVISION OF LOCAL GOVERNMENT ACT 1948 APPLIED TO THE BOARD

Provision applied	Subject-matter
Section 130	Insurance against accidents to members.

FOURTH SCHEDULE

Section 23.

PROVISIONS AS TO SUPPLY OF WATER TO THE MID-WESSEX COMPANY UNDER SUBSECTION (3) OF SECTION 23 (TRANSFER OF COMPANIES' UNDERTAKINGS) OF THIS ACT

1. The Board shall for a period of five years as from the appointed day afford to the Mid-Wessex Company (hereafter in this schedule referred to as "the company") if so requested by them a supply of water in bulk into the existing six inch main running south from the

Mortimer Pumping Station (Work No. 5 authorised by the Mid-Wessex Water Act 1935) to Bow Bridge at Sherfield Green in the parish of Stratfield Saye in the rural district of Basingstoke at the point where the said main crosses the boundary between the limits of supply of the Board and those of the company as existing on the appointed day or other agreed point (which point is referred to in this schedule as “ the point of delivery ”).

2. The quantity of water supplied shall be such daily quantity of water as the company may from time to time require not exceeding—

- (i) one hundred thousand gallons in any one period of twenty-four hours reckoned from midnight;
- (ii) a daily average in any period of twelve months of fifty thousand gallons.

3. The price of the water to be supplied under this schedule shall be at the special rate of sixpence per one thousand gallons such rate having been agreed as part of the consideration for the transfer to the Board of that part of the company's undertaking referred to in section 23 of this Act subject to a minimum payment by the company to the Board in respect of the supply of water of one hundred and fifty pounds in each year ending the thirty-first day of March provided that in any year in which the company have exercised their right to terminate the supply of water in bulk in accordance with paragraph 5 of this schedule the minimum annual payment of one hundred and fifty pounds shall be apportioned accordingly at the date of expiration of the notice.

4. All payments to be made under this schedule shall be made half-yearly and the Board shall as soon as conveniently may be after the thirty-first day of March and the thirtieth day of September in any year deliver to the company a statement in writing of the amount due to the Board under the provisions of this schedule.

5.—(1) The company may terminate their rights under this Schedule by giving three months' notice of their intention in writing to the Board expiring at any time.

(2) At the end of the period of five years from the appointed day the respective rights and obligations of the Board and the company under this schedule shall expire without prejudice to the power of the Board to recover any outstanding amounts due to them under this schedule.

6.—(1) For the purpose of measuring the amount of water supplied to the company the Board shall at their own expense provide install maintain and keep in good repair and working order and renew when necessary at the point of delivery a suitable meter or meters and works in connection therewith which shall at all reasonable times be open to the inspection and examination of the duly authorised officers of the company.

(2) The said meter or meters and works in connection therewith shall at all times remain the property of the Board and shall be in the sole control of the Board.

7. The provisions of section 59 of the Third Schedule to the Act of 1945 shall apply to the supply of water in pursuance of subsection (3)

4TH SCH.
—cont.

of section 23 of this Act subject to the following modifications:—

- (1) in subsection (2) for the words “ a court of summary jurisdiction ” there shall be substituted the words “ a single arbitrator to be appointed by agreement between the parties or in default of agreement by the President of the Institution of Civil Engineers ”; and
- (2) in subsection (3) the words “ and in the case of an extra payment shall be recoverable in the manner in which the water rates are recoverable ” shall be omitted.

8. If by reason of any drought frost accident or unforeseen circumstance the Board shall at any time be unable to supply the company with the quantity of water which the company may for the time being require under this schedule then so long as such inability shall continue the obligation hereunder of the Board shall cease. The company shall during such inability be liable to pay only for such quantity as is actually supplied and the amount of the annual minimum payment shall be adjusted accordingly.

9. The Board shall not be under any obligation to supply water under this schedule at any particular pressure provided only that the supply shall be made under the normal conditions of operation of the Mortimer Pumping Station.

FIFTH SCHEDULE

Section 44.

APPLICATION AMENDMENT AND REPEAL OF EXISTING ENACTMENTS

1. The application amendment and repeal of enactments by this schedule shall take effect subject to the foregoing provisions of this Act.

2. In the case of a company to be wound up in pursuance of the provisions of this Act the enactments relating to that company shall remain in operation so long and so far as may be necessary for the purposes of such winding up.

3. The repeal by this schedule of enactments relating to the borrowing powers of any local authority shall not prejudice or affect the powers duties and obligations of that authority in reference to the borrowing of money and the repayment thereof and the payment of interest thereon.

4. Subject to the provisions of this Act the following provisions shall cease to have effect on the appointed day (namely):—

Reading Water Act 1826.

Reading Water Act 1835.

Reading Waterworks Act 1851.

Reading Waterworks Act 1868.

Reading Local Board Waterworks Act 1868.

So much of the Reading Local Board Waterworks Sewerage Drainage and Improvement Act 1870 as relates to the works fifthly described in section 6 of that Act.

Reading Corporation Act 1881 section 73 (Penalty for breach of rules made under Waterworks Acts) section 74 (Amendment of the Waterworks Acts as to communication pipes)

section 75 (Amendment of section 57 of the Waterworks Clauses Act 1847 as to entry and inspection) section 77 (Penalty for destroying valves etc.) and section 78 (Penalty for using water contrary to agreement).

Reading Corporation Act 1887 section 15 (Extension of limits of water supply) and so much of section 24 (For the protection of the Great Western and South Eastern Railway Companies) as relates to water mains or pipes.

Reading Corporation Act 1930 Part II (Purchase of Undertaking of Company) Part III (Waterworks) and Part IV (Water Supply) and the First Second and Third Schedules.

So much of the Order relating to Reading confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1891 as relates to water.

Reading Water Order 1899 and so much of the Local Government Board's Provisional Orders Confirmation (No. 14) Act 1899 as relates thereto.

Reading Water Order 1903 and so much of the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1903 as relates thereto.

Reading Corporation Water Order 1947.

Reading Corporation Water Order 1955.

Reading Corporation Water Order 1956.

Newbury Corporation Act 1925 Part II (Transfer of undertaking of water company) Part III (Supply of water) section 100 (Application of revenue and payment of deficiencies in relation to water undertaking) section 101 (Apportionment of items) and section 115 (Confirmation of agreement with William Henry Dalgleish Lester) and the First Second Third and Sixth Schedules.

Newbury Corporation Act 1953 section 15 (Collection and recovery of water rates and charges) and section 16 (As to recovery of sums due for water fittings).

Newbury (Water) Order 1929 and so much of the Ministry of Health Provisional Orders Confirmation (No. 12) Act 1929 as relates thereto.

Newbury Order 1939 and the Ministry of Health Provisional Order Confirmation (Newbury) Act 1939.

Newbury Water Order 1947.

Newbury Water Order 1951.

Newbury Water Order 1953 (except section 7 (For protection of local sources of supply)).

Henley-on-Thames Water Orders 1881 to 1932 except section 16 (Undertakers to soften water) of the Henley-on-Thames Water Order 1932.

Hungerford Water Order 1901 and so much of the Water Orders Confirmation (No. 1) Act 1901 as relates thereto.

5TH SCH.
—cont.

South Oxfordshire Water and Gas Act 1905 and the provisions of the Goring and Streatley District Gas and Water Order 1888 of the Goring and Streatley District Gas and Water Order 1902 and the Goring and Streatley District Water Order 1903 which are mentioned in the First Schedule to that Act and by section 8 of that Act are saved from repeal.

South Oxfordshire Water and Gas Act 1923.

South Oxfordshire Water Order 1935 and the Ministry of Health Provisional Order Confirmation (South Oxfordshire Water) Act 1935.

South Oxfordshire Water Order 1946.

South Oxfordshire Water Order 1956.

5. On and after the appointed day section 79 of the Reading Corporation Act 1881 the said section 7 of the Newbury Water Order 1953 and the said section 16 of the Henley-on-Thames Water Order 1932 shall have effect as if instead of references to the water undertakers therein mentioned there were references to the Board and shall apply only within the areas within which the said provisions applied immediately before the appointed day.

6. On the appointed day—

(1) the Mid-Wessex Water Acts and Orders 1893 to 1957 shall cease to apply within the limits of supply;

(2) in substitution for section 40 (For protection of Warden and Council of St. Andrew's College Bradfield) section 41 (For further protection of Warden and Council of St. Andrew's College Bradfield) section 42 (For protection of executors of James Herbert Benyon) and section 43 (For protection of Great Western Railway Company) of the Mid-Wessex Water Act 1935 the following provisions shall have effect within the limits of supply:—

For protection
of Warden and
Council of
St. Andrew's
College
Bradfield.

(a) Notwithstanding anything contained in this Act the following provisions for the protection of the Chartered Corporation known as the Warden and Council of St. Andrew's College Bradfield (in this and the next following sub-paragraph referred to as "the Chartered Corporation") shall except so far as they may be otherwise agreed in writing between the Board and the Chartered Corporation apply and have effect (that is to say):—

(i) In this sub-paragraph "signed plan" means the plan dated the seventeenth day of May one thousand nine hundred and thirty-five which was signed in duplicate by Claude Pain on behalf of the Mid-Wessex Company (being the predecessors in title of the Board) and by Harold John Frederick Gourlay on behalf of the Chartered Corporation one copy of which plan is retained by the Board and the other copy by the Chartered Corporation;

(ii) For the purposes of this sub-paragraph the College shall be deemed to comprise the buildings and premises that may from time to time be in the use and occupation

of the Chartered Corporation or of its warden masters pupils servants and others for the purposes of the institution known as St. Andrew's College Bradfield or in connection therewith;

(iii) The Board shall continue to provide and maintain a connection between their main at the point marked A on the signed plan and the main of the Chartered Corporation at the point marked B thereon and the Board shall thereafter supply the Chartered Corporation with such quantity of water in bulk at the said point marked B as the Chartered Corporation may from day to day require for the College for domestic purposes and so long as there is a sufficient supply of water for domestic purposes within the limits of supply shall also supply the Chartered Corporation with such quantity of water as they may require for the College for other than domestic purposes;

(iv) The Chartered Corporation shall pay to the Board for all water supplied under this sub-paragraph at the rate of sixpence halfpenny for every one thousand gallons of water so supplied up to a yearly consumption of five million gallons and for all water supplied in excess of that annual quantity the Board shall allow a rebate at the end of the fourth quarter of the year at the rate of twopence farthing for each one thousand gallons of such excess:

Provided that if the quantity of water supplied during any period of seven consecutive days exceeds two hundred and fifty thousand gallons except where the excess is due to fire or to accident or circumstances not preventable by the Chartered Corporation the Board shall be entitled to such increased rate for all water supplied under this sub-paragraph as failing agreement shall be determined by arbitration:

Provided also that the minimum sum payable by the Chartered Corporation hereunder shall be ten pounds per quarter;

(v) All water to be taken by the Chartered Corporation shall be measured at the point marked A on the signed plan by a meter or meters to be provided and maintained by the Board. Every such meter shall be placed in a suitable chamber and every such meter and chamber and all pipes valves and other apparatus through which the water is taken shall be fixed and constructed and maintained by and at the cost of the Board and the Chartered Corporation by their duly appointed representatives shall at all times have access thereto. The register of any such meter shall be accepted as prima facie evidence of the quantity of water supplied by the Board and any such meter shall if considered by the Chartered Corporation to be registering incorrectly be removed at their request and

5TH SCH.
—cont.

be tested by the Board under the supervision of duly appointed representatives of the Chartered Corporation (but such testing shall not be required more frequently than once in every quarter unless specially required) and in the event of any such meter being proved to register accurately or to register a less amount of water than the amount actually supplied through such meter all costs and expenses in connection with such testing (including the cost of removing and replacing the meter) shall be borne by the Chartered Corporation but in any other event the costs and expenses shall be borne by the Board. If at any time the registration of any such meter be proved to be inaccurate by more than two and one-half per centum when tested at a rate of supply corresponding as near as may be to the average rate at which the supply shall be shown to have been registered during any period in which registration may be deemed to have been inaccurate the registration for such period not exceeding ninety-one days and the charge thereon shall be adjusted accordingly and if the registration of any such meter be proved to be accurate or within two and one-half per centum thereof such meter shall be deemed to have registered accurately;

(vi) The Board shall not be liable for any damage loss or expense caused by any failure in the supply of water to the Chartered Corporation if such failure shall be occasioned by frost unusual drought strikes or any cause beyond the control of the Board or during any time when the works of the Board shall be undergoing necessary repairs renewals or cleansing;

(vii) All payments for the water supplied under this sub-paragraph shall be payable quarterly on the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September and the twenty-fifth day of December in every year;

(viii) The Board shall continue to provide and maintain a hydrant at the point marked C on the signed plan and shall provide and maintain a suitable connection from their main to a pipe belonging to the Chartered Corporation which is situate at the point marked D provided that such pipe shall be proved by the Chartered Corporation to be capable to the satisfaction of the Board of preventing any waste of water. The Board shall continue to provide a three-inch sealed valve which may be opened by or under the instruction of some person duly authorised by the Chartered Corporation solely for the purpose of providing a supply of water for the extinguishment of fire. Notification in writing shall be given to the Board within twenty-four hours of any such opening of the said valve;

(ix) The Chartered Corporation shall use their best endeavours to prevent the waste or undue use of water

and shall take all reasonable steps to ensure that all their pipes fittings and apparatus are kept in a proper state of repair.

5TH SCH.
—cont.

(b) The following provisions for the protection and benefit of the Chartered Corporation and of the owner of the protected springs hereinafter defined shall have effect except so far as may be otherwise agreed in writing between the Chartered Corporation and such owner and the Board:—

For further protection of Warden and Council of St. Andrew's College Bradfield.

(i) In this sub-paragraph—

“ the protected springs ” means the springs situate in the parish of Bradfield in the rural district of Bradfield and now used by the Chartered Corporation for the purpose of supplying their swimming bath in the enclosure numbered 237A on the 1/2500 Ordnance Map of Berkshire Sheet XXXVI. 2 (Edition of 1912);

“ the owner ” means the Chartered Corporation and the owner for the time being of the protected springs;

“ the wells ” means any well or wells in the parish of Bradfield authorised by the Bradfield Water Orders 1904 and 1909;

(ii) If at any time after the passing of this Act it shall be proved by the owner that the pumping by the Board at the wells has caused any injurious diminution of the supply in the protected springs the Board shall upon the written request of the owner discharge into the swimming bath a supply of water sufficient to make good such diminution as so proved:

Provided that—

(A) The Board shall not be liable in respect of any claim made by the owner under this sub-paragraph if he 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 protected springs and the said swimming bath and facilities for ascertaining particulars thereof and the quantity of the water therein:

(B) The Board shall not be subject to the obligations of this sub-paragraph if prevented from complying therewith in consequence of frost unusual drought unavoidable cause or accident;

(iii) The owner shall afford to the Board all reasonable facilities for enabling the Board to avoid or make good any diminution of the supply in the protected springs at the least possible expense to the Board but so as to cause the least possible disturbance to the owner and everything requisite in connection with the making good of any diminution as aforesaid shall be provided and maintained by and at the expense of the Board;

5TH SCH.
—cont.

For protection
of the Englefield
Estate.

(iv) Any dispute question or difference between the Board and the Chartered Corporation under this or the last foregoing sub-paragraph shall be determined by arbitration.

(c) Notwithstanding anything contained in this Act the following provisions for the protection of the executors of Sir Henry Arthur Benyon deceased or other the owner or owners for the time being of the wells hereinafter mentioned (in this sub-paragraph referred to as "the owner") shall unless otherwise agreed in writing between the Board and the owner apply and have effect (that is to say):—

(i) If it shall be proved by the owner that the pumping by the Board at—

the well authorised by the Bradfield Water Order 1904 or the well Work No. 1 authorised by the Bradfield Water Order 1909 has caused any appreciable diminution of the supply of water obtainable prior to the date of the passing of the Mid-Wessex Water Act 1935 at any of the wells more particularly described hereafter and numbered 1 to 3 inclusive which were in operation or use at the said date and continue to be effective sources of supply;

the well and pumping station sanctioned and confirmed by section 34 of the said Act of 1935 or the well and pumping station Work No. 5 authorised by the said Act of 1935 has caused any appreciable diminution of the supply of water obtainable prior to the date of the passing of the said Act of 1935 at any of the wells more particularly described hereafter and numbered 4 and 5 inclusive which were in operation or use at the said date and continue to be effective sources of supply; or

the well and pumping station Work No. 6 authorised by the said Act of 1935 has caused any appreciable diminution of the supply of water obtainable prior to the date of the passing of the said Act of 1935 at any of the wells more particularly described hereafter and numbered 6 to 12 inclusive which were in operation or use at the said date and continue to be effective sources of supply;

the Board shall upon the written request of the owner afford (or arrange that there shall be afforded) to him a supply of water equal to the amount of such diminution as so proved so long as such diminution continues at such cost or rate (if any) as that the total cost to the owner of obtaining the full supply he had theretofore enjoyed shall be the same after as 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 the Board shall not be liable for any temporary failure to afford such supply which is due to frost unusual drought or other unavoidable cause or accident;

(ii) For the purpose of affording a supply under this sub-paragraph the Board may carry out all such works as are reasonably necessary for that purpose and are reasonably approved by the owner but shall at their own expense as soon as reasonably practicable make good any disturbance or damage caused by their carrying out such works;

(iii) The owner shall so far as he is able grant to the Board without payment all such easements and facilities as may be necessary for or in connection with the execution of the works required to enable the Board to carry out their obligations under this sub-paragraph but the cost of any formal conveyance they may require shall be borne by the Board;

(iv) The Board may if they think fit in lieu of affording a supply of water equal to the diminution of the supply from any such well deepen such well or make such borings therein or headings therefrom as will increase the supply therefrom so as to make good the said diminution or sink such further well or wells or do any such work as may be necessary to make good the said diminution and the owner shall without making any charge therefor grant to the Board their officers and servants such easements and facilities as may be necessary for carrying out such deepenings borings headings or other works or sinking such further well or wells:

Provided that such deepenings or other works shall be carried out at such times and in such manner as shall reasonably be approved by the owner;

(v) The Board may if they think fit in lieu of affording a supply of water equal to the diminution as aforesaid or of making good the diminution as aforesaid make compensation in money to the owner for such diminution the amount of such compensation to be settled in case of difference by arbitration;

(vi) The Board shall not be liable in respect of any claim made by the owner under this sub-paragraph if after due notice he 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 and facilities for the purpose of ascertaining particulars thereof and the levels and quantity of the water therein;

(vii) Any question or dispute arising under this sub-paragraph shall be determined by arbitration;

5TH SCH.
—cont.

(viii) The wells hereinbefore mentioned are the following:—

No.	Farm or house	Parish	Enclosure number and sheet on the 1/2500 Ordnance Map of Berkshire in which well situate.	
			Enclosure number	Sheet
1.	Bournefield Farm	Bradfield	361	XXXVI. 7 (Edition of 1911).
2.	Englefield House	Englefield	141	XXXVI. 7 (Edition of 1911).
3.	Mayridge Farm	Sulhamstead	5	XXXVI. 7 (Edition of 1911).
4.	Little Park Farm	Stratfield Mortimer	74	XLV. 10 (Edition of 1911).
5.	Butlers Lands Farm	Stratfield Mortimer	114	XLV. 13 (Edition of 1911).
6.	Burghfield Field Farm	Burghfield	503	XXXVII. 9 (Edition of 1912).
7.	Amners Farm	Burghfield	424	XXXVII. 10 (Edition of 1911).
8.	Burghfield Place Farm	Burghfield	122	XXXVII. 13 (Edition of 1912).
9.	Diddenham Farm	Shinfield	70	XLV. 2 (Edition of 1912).
10.	Hartley Court	Shinfield	775	XXXVII. 15 (Edition of 1911).
11.	Hartley Court Farm	Shinfield	782	XXXVII. 15 (Edition of 1911).
12.	Great Lea Farm	Shinfield	692	XXXVII. 15 (Edition of 1911).

For protection
of British
Transport
Commission.

(d) Notwithstanding anything contained in this Act the following provisions for the protection of the British Transport Commission (in this sub-paragraph referred to as "the Commission") shall unless otherwise agreed in writing between the Board and the Commission apply and have effect (that is to say):—

(i) In this sub-paragraph—

"the Mortimer Well" means and includes—

the well belonging to the Commission situate at the rear of the stationmaster's house adjoining Mortimer Railway Station in the parish of Stratfield Mortimer in the rural district of Bradfield in the enclosure numbered 187 on the 1/2500 Ordnance Map of Berkshire Sheet XLV. 9 (Edition of 1912);

the well belonging to the Commission situate on the west side of the said railway station in the said parish of Stratfield Mortimer in the enclosure numbered 189 on the said Ordnance Map; and

the well belonging to the Commission situate under the platform at the said railway station in the said parish of Stratfield Mortimer in the enclosure numbered 274 on the said Ordnance Map;

“ the Shinfield Well ” means the well belonging to the Commission situate at the rear of four cottages in the parish of Shinfield in the rural district of Wokingham in the enclosure numbered 121 on the 1/2500 Ordnance Map of Berkshire Sheet XLV. 2 (Edition of 1912);

(ii) If it shall be proved by the Commission that the pumping by the Board at the well and pumping station sanctioned and confirmed by section 34 of the Mid-Wessex Water Act 1935 or at the well and pumping station Work No. 5 authorised by the said Act of 1935 has caused any appreciable diminution of the supply of water obtainable prior to the date of the passing of the said Act of 1935 at the Mortimer Well which is in operation or use at the said date and continues to be an effective source of supply or that the pumping by the Board at the well and pumping station Work No. 6 authorised by the said Act of 1935 has caused any appreciable diminution of the supply of water obtainable prior to the date of the passing of the said Act of 1935 at the Shinfield Well which is in operation or use at the said date and continues to be an effective source of supply the Board shall upon the written request of the Commission afford (or arrange that there shall be afforded) to them a supply of water equal to the amount of such diminution as so proved so long as such diminution continues at such cost or rate (if any) as that the total cost to the Commission of obtaining the full supply they had theretofore enjoyed shall be the same after as 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 the Board shall not be liable for any temporary failure to afford such supply which is due to frost unusual drought or other unavoidable cause or accident;

(iii) For the purpose of affording a supply under this sub-paragraph the Board may carry out all such works as are necessary for that purpose and are reasonably approved by the Commission;

(iv) The Commission shall grant to the Board without payment all such easements and facilities as may be necessary for or in connection with the execution of the works required to enable the Board to carry out their obligations under this sub-paragraph;

(v) The Board may if they think fit in lieu of affording a supply of water equal to the diminution of the supply

5TH SCH.
—cont.

from the Mortimer Well or the Shinfield Well as the case may be deepen such well or make such borings therein or headings therefrom as will increase the supply therefrom so as to make good the said diminution or sink such further well or wells or do any such works as may be necessary to make good the said diminution and the Commission shall without making any charge therefor grant to the Board their officers and servants such easements and facilities as may be necessary for carrying out such deepening borings headings or other works or sinking such further well or wells;

(vi) The Board may if they think fit in lieu of affording a supply of water equal to the diminution as aforesaid or of making good the diminution as aforesaid make compensation in money to the Commission for such diminution the amount of such compensation to be settled in case of difference by arbitration;

(vii) The Board shall not be liable in respect of any claim made by the Commission under this subparagraph if they shall have failed to afford to the officers servants or other representatives of the Board at all reasonable times after the passing of the said Act of 1935 access to the well in respect of which the claim is made and facilities for the purpose of ascertaining particulars thereof and the levels and quantity of the water therein;

(viii) Any question or dispute arising under this sub-paragraph shall be determined by arbitration.

(3) Sections 26 30 40 41 42 and 43 of and the Fourth Schedule to the Mid-Wessex Water Act 1935 together with the enactments mentioned in the said Fourth Schedule shall be repealed.

7. On and after the appointed day section 23 (For protection of Reading Corporation) of the British Transport Commission Act 1956 shall have effect as if the following were substituted therefor:—

For protection of Thames Valley Water Board. 23. For the protection of the Thames Valley Water Board (in this section referred to as "the Board") the following provisions shall unless otherwise agreed between the Commission and the Board apply and have effect during the interim period:—

(1) The Commission shall to the reasonable satisfaction of the Board so maintain the Kennet waterways and appliances and the adjacent watercourses as not to reduce the quantity of water available at the intakes of the Board at Southcote and Fobney and as not to prejudice the rights of the Board to take water under the memorandum of agreement dated the second day of September one thousand eight hundred and seventy-four and made between the mayor aldermen and burgesses of the borough of Reading and the Great Western Railway Company:

(2) In this section "adjacent watercourses" has the same meaning as in section 22 (For protection of conservators and river boards) of this Act:

(3) Any difference arising between the Commission and the Board under this section shall be settled by arbitration.

8. The provisions of any other protective section for the benefit of any council or company whose undertaking is by this Act transferred to the Board contained in any enactment by whomsoever obtained shall inure on and after the appointed day for the benefit of the Board and shall be construed as if a reference to the Board were substituted for any reference to any of such council or company as the case may be.

5TH SCH.
—cont.

SIXTH SCHEDULE

ENACTMENTS REFERRED TO IN SECTION 45 (FOR PROTECTION OF THE
BRITISH TRANSPORT COMMISSION) OF THIS ACT

Tilehurst Pangbourne and District Water Order 1894

Section 17 (For protection of Great Western Railway Company).

Section 18 (As to pipes crossing the works of a railway or other company).

Tilehurst Pangbourne and District Water Order 1896

Section 20 (Extending provisions for protection of the Great Western Railway Company).

Section 21 (As to pipes crossing the works of a railway or other company).

Reading Water Act 1826

Section 3 (Company may alter the present sluice and Waterwheel &c. so as not to draw more water than in its present state).

Reading Water Act 1835

Section 13 (Power to raise sluices when mills are out of repair).

Reading Waterworks Act 1851

Section 24 (Power to take Water from the river Kennet).

Section 25 (Regulating the amount of Water which the Company may take).

Reading Waterworks Act 1868

Section 4 (Power to construct works according to deposited plans).

Section 8 (For the protection of the Great Western Railway Company).

Section 9 (Company not to take a greater Quantity of water from the river Kennet than they were authorised to take before the passing of this Act).

6TH SCH.
—cont.

Reading Local Board Waterworks Sewerage Drainage and Improvement Act 1870

Section 18 (Local Board not to take greater quantity of water from the river Kennet).

Reading Water Order 1899

Article IV (Provisions for the protection of Great Western Railway Company).

Newbury Corporation Act 1925

Section 49 (For protection of the Great Western Railway Company).

Henley-on-Thames Water Order 1901

Section 12 (For protection of Great Western Railway Company).

Hungerford Water Order 1901

Section 17 (For protection of Great Western Railway Company).

South Oxfordshire Water and Gas Act 1905

Section 86 (For the protection of the Great Western Railway Company).

Section 87 (As to pipes crossing the works of a railway or other Company).

South Oxfordshire Water Order 1935

Section 13 (For protection of Great Western Railway Company).

Goring and Streatley District Gas and Water Order 1888.

Section 58 (For the protection of the Great Western Railway Company).

Goring and Streatley District Water Order 1903

Section 13 (Extending provisions for protection of Great Western Railway Company).

Section 79.

SEVENTH SCHEDULE

PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods as the Board may from time to time determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Board may from time to time determine Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) Bonds shall not be issued of greater aggregate nominal amount than will together produce according to the price of issue the actual amount of money for the time being authorised to be borrowed by the Board.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised

10.—(1) Unless the holder of a bond otherwise requests the Board may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

7TH SCH.
—cont.

(2) The posting by the Board of an interest warrant addressed to the holder as aforesaid shall as respects the liability of the Board be equivalent to the delivery of the warrant to the holder himself.

11. The production to the Board of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Board as sufficient evidence of the grant.

Table of Statutes referred to in this Act.

Short title	Session and chapter
Reading Water Act 1826	7 Geo. 4. c. xxxiii.
Reading Water Act 1835	5 & 6 Will. 4. c. xcix.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Reading Waterworks Act 1851	14 & 15 Vict. c. lxx.
Reading Waterworks Act 1868	31 & 32 Vict. c. lxi.
Reading Local Board Waterworks Act 1868	31 & 32 Vict. c. lxxxi.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Reading Local Board Waterworks Sewerage Drainage and Improvement Act 1870	33 & 34 Vict. c. cxxxiii.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Henley on Thames Water Order 1881 (Confirmed by the Water Orders Confirmation Act 1881)	44 & 45 Vict. c. clxv.
Reading Corporation Act 1881	44 & 45 Vict. c. clxxi.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Reading Corporation Act 1887	50 & 51 Vict. c. clxiii.
Goring and Streatley District Gas and Water Order 1888 (Confirmed by the Gas and Water Orders Confirmation Act 1888)	51 & 52 Vict. c. cxxvii.
Stamp Act 1891.	54 & 55 Vict. c. 39.
Local Government Board's Provisional Orders Confirmation (No. 12) Act 1891	54 & 55 Vict. c. clviii.
Tilehurst Pangbourne and District Water Order 1894 (Confirmed by the Water Orders Confirmation Act 1894)	57 & 58 Vict. c. cxix.
Tilehurst Pangbourne and District Water Order 1896 (Confirmed by the Water Orders Confirmation Act 1896)	59 & 60 Vict. c. clxi.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Finance Act 1899	62 & 63 Vict. c. 9.
Reading Water Order 1899 (Confirmed by the Local Government Boards Provisional Orders Confirmation (No. 14) Act 1899)	62 & 63 Vict. c. cclxxii.
Water Orders Confirmation (No. 1) Act 1901	1 Edw. 7. c. clxiv.

Short title	Session and chapter
Goring and Streatley District Gas and Water Order 1902 (Confirmed by the Gas and Water Orders Confirmation (No. 1) Act 1902) ..	2 Edw. 7. c. ccxlviii.
Reading Water Order 1903 (Confirmed by the Local Government Board's Provisional Orders Confirmation (No. 1) Act 1903) ..	3 Edw. 7. c. lviii.
Goring and Streatley District Water Order 1903 (Confirmed by the Water Orders Confirmation Act 1903) ..	3 Edw. 7. c. cxxxiv.
Bradfield Water Order 1904 (Confirmed by the Water Orders Confirmation Act 1904) ..	4 Edw. 7. c. clxxxvi.
South Oxfordshire Water and Gas Act 1905 ..	5 Edw. 7. c. xxxii.
Finance Act 1907 ..	7 Edw. 7. c. 13.
Public Health Acts Amendment Act 1907 ..	7 Edw. 7. c. 53.
Bradfield Water Order 1909 (Confirmed by the Gas and Water Orders Confirmation Act 1909) ..	9 Edw. 7. c. cxlii.
Acquisition of Land (Assessment of Compensation) Act 1919 ..	9 & 10 Geo. 5. c. 57.
South Oxfordshire Water and Gas Act 1923 ..	13 & 14 Geo. 5. c. ii.
Trustee Act 1925 ..	15 Geo. 5. c. 19.
Supreme Court of Judicature (Consolidation) Act 1925 ..	15 & 16 Geo. 5. c. 49.
Rating and Valuation Act 1925 ..	15 & 16 Geo. 5. c. 90.
Newbury Corporation Act 1925 ..	15 & 16 Geo. 5. c. c.
Newbury (Water) Order 1929 (Confirmed by the Ministry of Health Provisional Orders Confirmation (No.12) Act 1929) ..	20 Geo. 5. c. xxxi.
Land Drainage Act 1930 ..	20 & 21 Geo. 5. c. 44.
Reading Corporation Act 1930 ..	20 & 21 Geo. 5. c. cix.
Thames Conservancy Act 1932 ..	22 & 23 Geo. 5. c. xxxvii
Henley-on-Thames Water Order 1932 (Confirmed by the Ministry of Health Provisional Order Confirmation (Henley-on-Thames Water) Act 1932) ..	22 & 23 Geo. 5. c. lxii.
Local Government Act 1933 ..	23 & 24 Geo. 5. c. 51.
Mid-Wessex Water Act 1935 ..	25 & 26 Geo. 5. c. xxxiv.
South Oxfordshire Water Order 1935 (Confirmed by the Ministry of Health Provisional Order Confirmation (South Oxfordshire Water) Act 1935) ..	25 & 26 Geo. 5. c. lxxiv.
Public Health Act 1936 ..	26 Geo. 5. & 1 Edw. 8. c. 49.
Local Government Superannuation Act 1937 ..	1 Edw. 8. & 1 Geo. 6. c. 68.
Newbury Order 1939 (Confirmed by the Ministry of Health Provisional Order Confirmation (Newbury) Act 1939) ..	2 & 3 Geo. 6. c. xiv.
Rural Water Supplies and Sewerage Act 1944 ..	7 & 8 Geo. 6. c. 26.
Water Act 1945 ..	8 & 9 Geo. 6. c. 42.
Borrowing (Control and Guarantees) Act 1946 ..	9 & 10 Geo. 6. c. 58.
Fire Services Act 1947 ..	10 & 11 Geo. 6. c. 41.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6. c. 51.
Water Act 1948 ..	11 & 12 Geo. 6. c. 22.
Local Government Act 1948 ..	11 & 12 Geo. 6. c. 26.
Employment and Training Act 1948 ..	11 & 12 Geo. 6. c. 46.
Companies Act 1948 ..	11 & 12 Geo. 6. c. 47.

Short title	Session and chapter
Wireless Telegraphy Act 1949	12 & 13 Geo. 6. c. 54.
Magistrates' Courts Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Local Government (Miscellaneous Provisions) Act 1953	1 & 2 Eliz. 2. c. 26.
Newbury Corporation Act 1953	1 & 2 Eliz. 2. c. xiii.
Berkshire County Council Act 1953	1 & 2 Eliz. 2. c. xli.
British Transport Commission Act 1956 ..	4 & 5 Eliz. 2. c. lxxiv.
Nurses Agencies Act 1957	5 & 6 Eliz. 2. c. 16.
Housing Act 1957	5 & 6 Eliz. 2. c. 56.
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