



CHAPTER xlii

An Act to constitute the Great Ouse Water Authority consisting of representatives of the Lee Valley Water Company, the Luton Water Company, the Mid-Northamptonshire Water Board, the North Bedfordshire Water Board and the county councils of the administrative counties of Bedford and Huntingdon for the provision of supplies of water in bulk to the said companies and boards and to other statutory water undertakers supplying water in the said counties and elsewhere, to authorise the Great Ouse Water Authority, the Lee Valley Water Company, the Luton Water Company, the Mid-Northamptonshire Water Board and the North Bedfordshire Water Board to acquire lands and to construct waterworks, to confer powers upon the Great Ouse Water Authority and upon certain of the constituent authorities thereof, including increased charging powers; and for other purposes. [3rd August, 1961]

WHEREAS—

(1) The Lee Valley Water Company are, by the Lee Valley Water Act, 1959, the authorised undertakers for the supply of water within an extensive area in the counties of Hertford, Essex and Middlesex, the Luton Water Company are, by the Luton Water Acts and Orders, 1865 to 1961, the authorised undertakers for the supply of water within the boroughs of Luton and Dunstable and in adjacent areas in the county of Bedford, the Mid-Northamptonshire Water Board are, by the Mid-Northamptonshire Water Board Orders, 1948 to 1958, the authorised undertakers for the supply of water within the county

borough of Northampton and an extensive area in the counties of Northampton, Leicester and Rutland, and the North Bedfordshire Water Board are, by the North Bedfordshire Water Board Order, 1960, the authorised undertakers for the supply of water within the borough of Bedford and adjacent areas in the county of Bedford:

(2) The demand for water within the respective limits of supply of the Luton Water Company and the Mid-Northamptonshire Water Board has increased, is increasing beyond the capacity of the present sources of supply of those undertakers to satisfy such demand and is likely further to increase, while within the respective limits of supply of the Lee Valley Water Company and the North Bedfordshire Water Board and within other areas in the administrative counties of Bedford and Huntingdon and elsewhere the demand for water is likely to increase beyond the capacity of the present sources of supply in those areas to satisfy such demand:

(3) It is expedient that the new waterworks described in this Act should be constructed and that water from the river Great Ouse should be taken and stored by means thereof for the purpose of providing supplies of water in bulk to the Lee Valley Water Company, the Luton Water Company, the Mid-Northamptonshire Water Board, the North Bedfordshire Water Board and to statutory water undertakers supplying water in areas in the administrative counties of Bedford and Huntingdon and elsewhere:

(4) It is expedient that a new joint board should be constituted by the name of the Great Ouse Water Authority (hereinafter referred to as "the Board") for the purpose of constructing and administering such of the new waterworks as are required for the supply of water to all, or any of, the said water undertakers and of providing such supplies of water in bulk:

(5) It is expedient that the Board, the Lee Valley Water Company, the Luton Water Company, the Mid-Northamptonshire Water Board and the North Bedfordshire Water Board should be empowered to acquire lands and easements for the purpose of the construction of the new waterworks and for other purposes:

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

For the construction of the works authorised	
by this Act	£12,387,000
For the purchase of lands under the powers of	
this Act	£500,000
	<hr/>
	£12,887,000
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(7) Such of the works included in such estimates as are to be constructed by the Board, the Mid-Northamptonshire Water Board and the North Bedfordshire Water Board are permanent works and it is expedient that the cost thereof should be spread over a term of years:

(8) It is expedient to make further provision relating to the respective undertakings of the Lee Valley Water Company, the Luton Water Company, the Mid-Northamptonshire Water Board, the North Bedfordshire Water Board and a joint board to be formed for the supply of water in an area in the administrative county of Bedford, including, in the case of the Luton Water Company, provision for the application to the undertaking of that company of the relevant provisions of the Third Schedule to the Water Act, 1945, and to authorise increases in the rates or charges which may be levied or made by the Luton Water Company and the Mid-Northamptonshire Water Board within their respective limits of supply:

(9) It is expedient that the other provisions in this Act should be enacted:

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

(11) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, have been observed by the county councils of the administrative counties of Bedford and Huntingdon, the requirements of the said Part XIII as applied by the Mid-Northamptonshire Water Board Order, 1948, have been observed by the Mid-Northamptonshire Water Board and the requirements of such of the provisions of the said Part XIII as are applied by the North Bedfordshire Water Board Order, 1960, have been observed by the North Bedfordshire Water Board:

(12) Plans and sections showing the lines, situations and levels of the works authorised by this Act, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands which may be acquired or used compulsorily under the powers of this Act, have been deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons, and with the clerks of the county councils of the administrative counties of Bedford, Huntingdon and Northampton, which plans, sections and book of reference are in this Act respectively referred to as the deposited plans, the deposited sections and the deposited book of reference.

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

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Great Ouse Water Act, 1961.

Short and
collective
titles.

PART I
—cont.

(2) Section 37 (Power to Lee Valley Company to construct works), subsection (2) of section 45 (Works to form parts of respective undertakings) and Part VIII of this Act, and the Lee Valley Water Act, 1959, may be cited together as the Lee Valley Water Acts, 1959 and 1961.

(3) So much of this Act as relates to the Luton Company shall be included among the enactments which may be cited together as the Luton Water Acts and Orders, 1865 to 1961.

(4) So much of this Act as relates to the Mid-Northamptonshire Board and the Mid-Northamptonshire Water Board Orders, 1948 to 1958, may be cited together as the Mid-Northamptonshire Water Board Act and Orders, 1948 to 1961.

(5) So much of this Act as relates to the North Bedfordshire Board and the North Bedfordshire Water Board Order, 1960, may be cited together as the North Bedfordshire Water Board Act and Order, 1960 and 1961.

Division of
Act into
Parts.

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

- Part I.—Preliminary.
- Part II.—Constitution of Great Ouse Water Authority.
- Part III.—Lands.
- Part IV.—Works and abstraction of water.
- Part V.—Supply of water and financial provisions relating thereto.
- Part VI.—General financial provisions relating to Great Ouse Water Authority.
- Part VII.—Miscellaneous provisions applicable to Great Ouse Water Authority.
- Part VIII.—Special provisions applicable to Lee Valley Water Company.
- Part IX.—Special provisions applicable to Luton Water Company.
- Part X.—Special provisions applicable to Mid-Northamptonshire Water Board.
- Part XI.—Special provisions applicable to North Bedfordshire Water Board.
- Part XII.—Miscellaneous provisions applicable to certain authorities.
- Part XIII.—Protective provisions.
- Part XIV.—General.

Incorporation
of Acts.

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

- (a) the Lands Clauses Acts (except sections 92, 127 to 133, 150 and 151 of the Lands Clauses Consolidation Act, 1845, and section 5 of the Lands Clauses Consolidation Acts Amendment Act, 1860):

Provided that—

PART I
—cont.

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

(ii) the expression “the promoters of the undertaking” shall be construed to mean the undertakers as defined in Part III of this Act;

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

Provided that for the purposes of the said section and provisions of the Railways Clauses Consolidation Act, 1845, the expression “the railway” shall be construed to mean the works authorised by this Act, the expression “the centre of the railway” shall be construed to mean the centre line of each of the embankments or dams of the Diddington Reservoir (Work No. 1), and the expression “the company” shall be construed to mean the Board, the Lee Valley Company, the Luton Company, the Mid-Northamptonshire Board or the North Bedfordshire Board, as the case may require;

(c) section 2 of the Third Schedule to the Act of 1945:

Provided that the said section 2, as so incorporated, shall have effect as if for the words “the plans submitted to the Minister” there were substituted the words “the deposited plans”, and for the words “the said plans” wherever they occur there were substituted the words “the deposited sections”.

(2) For the purposes of this Act, the provisions of the Third Schedule to the Act of 1945, which respectively apply to the Lee Valley undertaking, the Mid-Northamptonshire undertaking and the North Bedfordshire undertaking, shall so apply as if this Act were one of the enactments with which the said provisions are so incorporated.

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

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

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

PART I
—cont.

- “ Act of 1945 ” means the Water Act, 1945;
- “ additional quantity ” means such a quantity of water as is referred to in subsection (2) of section 62 (Additional quantities of water) of this Act;
- “ 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;
- “ authority ” means any one of the constituent authorities or of the water authorities, as the case may require;
- “ Bedfordshire ” and “ Bedfordshire County Council ” mean respectively the administrative county of Bedford and the county council of that administrative county;
- “ Board ” means the Great Ouse Water Authority;
- “ Board’s operational area ” means the area shown enclosed by a line edged pink on the signed plan;
- “ Board’s works ” means Works Nos. 1 to 18 and any works or apparatus constructed or provided by the Board as part of, or in connection with, or for the purposes of, those works, or any of them;
- “ chairmen of the county councils ” means the chairman of the Bedfordshire County Council for the time being and the chairman of the Huntingdonshire County Council for the time being;
- “ clerk ”, “ engineer ” and “ treasurer ” mean respectively the clerk, the engineer and the treasurer of the Board;
- “ companies ” means the Lee Valley Company and the Luton Company;
- “ completion of the first stage of the works ” means the completion of such of the headworks as are required to enable the Board to provide therefrom for supply, in any year, an average aggregate daily quantity of water of twenty million, six hundred thousand gallons and, on any day, a maximum aggregate daily quantity of water of twenty-four million, seven hundred and twenty thousand gallons;
- “ constituent authorities ” means the Lee Valley Company, the Luton Company, the Mid-Northamptonshire Board, the North Bedfordshire Board, the Bedfordshire County Council and the Huntingdonshire County Council and, in accordance with the provisions of subsection (3) of section 6 (Constitution of Board) of this Act, any such joint board as is therein referred to;

- “ county councils ” means the Bedfordshire County Council and the Huntingdonshire County Council;
- “ daily quantity of water ” means a quantity of water taken or supplied in any day, being either the average in any year of the quantity so taken or supplied or the maximum quantity so taken or supplied (as the case may require), or a quantity of water flowing or passing in any day;
- “ day ” means a day of twenty-four hours reckoned from nine o’clock in the morning;
- “ delivery pumps ” means all pumping plant and machinery constructed or provided by the Board for the purpose of pumping water after it has passed through the treatment plant forming part of the treatment works (Work No. 6);
- “ 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;
- “ headworks ” means Works Nos. 1 to 9 and any works or apparatus constructed or provided by the Board as part of, or in connection with, or for the purposes of, those works, or any of them, but does not include any of the delivery pumps constructed or provided as part of, or in connection with, or for the purposes of, the treatment works (Work No. 6);
- “ Huntingdonshire ” and “ Huntingdonshire County Council ” mean respectively the administrative county of Huntingdon and the county council of that administrative county;
- “ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Land Compensation Act, 1961, and by this Act;
- “ Lee Valley Company ” means the Lee Valley Water Company;
- “ Lee Valley undertaking ” means the undertaking of the Lee Valley Company as for the time being authorised;
- “ Lee Valley works ” means Work No. 25 and any works or apparatus constructed or provided by the Lee Valley Company as part of, or in connection with, or for the purposes of, that work;
- “ Luton Company ” means the Luton Water Company;
- “ Luton undertaking ” means the undertaking of the Luton Company as for the time being authorised;
- “ Luton works ” means Works Nos. 19 to 24 and any works or apparatus constructed or provided by the Luton Company as part of, or in connection with, or for the purposes of, those works, or any of them;

PART I
—cont.

- “Mid-Bedfordshire area” means the area, comprising the urban districts of Ampthill, Biggleswade, Leighton Buzzard and Sandy, the rural districts of Ampthill and Biggleswade and parts of the rural districts of Bedford and Luton in Bedfordshire, and the urban district of Linslade in the administrative county of Buckingham, shown coloured green on the signed plan;
- “Mid-Northamptonshire Board” means the Mid-Northamptonshire Water Board;
- “Mid-Northamptonshire undertaking” means the undertaking of the Mid-Northamptonshire Board as for the time being authorised;
- “Mid-Northamptonshire works” means Work No. 26 and any works or apparatus constructed or provided by the Mid-Northamptonshire Board as part of, or in connection with, or for the purposes of, that work;
- “Minister” means the Minister of Housing and Local Government;
- “Nene and Ouse area” means the area, comprising the borough of Huntingdon and Godmanchester, the urban district of St. Neots, the rural districts of Huntingdon and St. Neots and part of the rural district of St. Ives in Huntingdonshire, the urban districts of Oundle and Raunds and the rural district of Oundle and Thrapston in the administrative county of Northampton, and part of the rural district of Ketton in the administrative county of Rutland, shown coloured blue on the signed plan;
- “North Bedfordshire Board” means the North Bedfordshire Water Board;
- “North Bedfordshire undertaking” means the undertaking of the North Bedfordshire Board as for the time being authorised;
- “North Bedfordshire works” means Work No. 27 and any works or apparatus constructed or provided by the North Bedfordshire Board as part of, or in connection with, or for the purposes of, that work;
- “raw water supply” means such a supply of water as is referred to in paragraph (b) of subsection (2) of section 58 (Provision of raw water supply to authorities in Nene and Ouse area) of this Act;
- “reserved quantity” means such a quantity of water as is referred to in subsection (3) of section 57 (Entitlement to water) of this Act;

- “ river board ” means the Great Ouse River Board;
- “ river flow gauges ” means the works and apparatus referred to in subsection (2) of section 46 (Provision of gauges, etc.) of this Act;
- “ signed plan ” means the plan, of which eight copies have been signed by Robert Grant Grant-Ferris, the chairman of the committee of the House of Commons to which the Bill for this Act was referred, of which copies one has been deposited in the office of the Clerk of the Parliaments, one in the Private Bill Office, House of Commons, one in the office of the clerk of the Bedfordshire County Council, one in the office of the clerk of the Huntingdonshire County Council, one in the principal office of the Lee Valley Company, one in the principal office of the Luton Company, one in the principal office of the Mid-Northamptonshire Board and one in the principal office of the North Bedfordshire Board;
- “ 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 place 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;
- “ Third Schedule ” means the Third Schedule to the Act of 1945;
- “ tribunal ” means the tribunal, or other authority, to which any question of disputed purchase money or compensation under this Act is referred in pursuance of the Land Compensation Act, 1961;
- “ undertaking ” means the undertaking of the Board as for the time being authorised;
- “ water authorities ” means the Lee Valley Company, the Luton Company, the Mid-Northamptonshire Board, the North Bedfordshire Board and any statutory water undertakers at any time authorised to supply water in the Mid-Bedfordshire area and the Nene and Ouse area, or in any part of either of those areas;
- “ year ” means a year commencing on the first day of April.

PART I
—cont.

(3) All distances and lengths stated in any description of works, powers or lands in this Act shall be construed as if the words "or thereabouts" were inserted after each such distance or length.

(4) Unless the context otherwise requires, any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

(5) For the purpose of any provisions of the Act of 1945 applicable to the Board or the undertaking, the Board's operational area shall be deemed to be the limits of supply of the Board.

(6) 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.

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

PART II

CONSTITUTION OF GREAT OUSE WATER AUTHORITY

Incorporation
of joint
board.

5.—(1) For the purposes mentioned in subsection (3) of this section, there shall be a joint board constituted as provided by this Act.

(2) The joint board shall be a body corporate, by the name of the Great Ouse Water Authority, and shall have perpetual succession and a common seal and power to hold land and all other powers and privileges of a body corporate.

(3) The purposes above referred to are—

(a) the procuring of a supply of water and the supply thereof in bulk to the water authorities and to other statutory water undertakers;

(b) the construction, operation, alteration and maintenance of works authorised by this Act and the acquisition of lands therefor;

(c) 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.

Constitution
of Board.

6.—(1) The Board shall consist of fifteen members appointed or holding office in accordance with the provisions of this section.

(2) Subject to the provisions of subsection (3) of this section, members of the Board shall be appointed by the constituent authorities as follows:—

two members shall be appointed by the Lee Valley Company;

four members shall be appointed by the Luton Company;

four members shall be appointed by the Mid-Northamptonshire Board;

one member shall be appointed by the North Bedfordshire Board;

one member shall be appointed by the Bedfordshire County Council;

one member shall be appointed by the Huntingdonshire County Council;

and the chairman of the Bedfordshire County Council for the time being and the chairman of the Huntingdonshire County Council for the time being shall be members of the Board, *ex officio*.

(3) If a joint board shall be constituted by any enactment for the purpose of exercising functions relating to water supply in either the Mid-Bedfordshire area or the Nene and Ouse area, or in the greater part of either of those areas, the joint board so constituted shall, as from the date on which they are by the relevant enactment required to undertake the exercise of such functions relating to water supply, become one of the constituent authorities for the purposes of this Act, and shall be entitled, subject to the provisions of subsection (5) of section 8 (First members of Board) of this Act, to appoint one member of the Board in place of the member (not being the chairman of the county council) representing the county council mentioned in the second column of the following table opposite to the name of the area for the supply of water in which the joint board is so constituted:—

Area (1)	County Council (2)
Mid-Bedfordshire area	Bedfordshire County Council.
Nene and Ouse area	Huntingdonshire County Council.

(4) The chairmen of the county councils shall hold office as members of the Board by virtue of their office as such chairmen and, subject to the provisions of section 15 (Provisions applicable to chairmen of county councils) of this Act, references in this Act to a member of an authority and to the appointment of a member

PART II
—cont.

of the Board by an authority shall, in relation to each such chairman and to each of the county councils, be construed accordingly.

(5) Any appointment of a member of the Board to be made under this Part of this Act by either of the companies may be made by the directors of the company making the appointment, and references in this Part of this Act to a meeting of an authority shall, in relation to each of the companies, be construed as references to a meeting of the directors.

Qualification
of members.

7.—(1) Each of the members of the Board, other than the members thereof appointed by the companies, shall be a member of the authority by which he shall be appointed.

(2) Each of the members of the Board appointed by either of the companies shall be a director of the company by which he shall be appointed, and references in this Act to a member of an authority shall, in relation to each of the companies, be construed as references to a director of the company.

(3) A person shall not represent more than one authority and, if the same person shall be appointed a member of the Board by more than one authority, he shall, within one month after the second appointment, choose under which appointment he will serve and give notice of his choice, on the occasion of the first appointment of members of the Board, to the clerk of the Bedfordshire County Council, and thereafter, to the clerk of the Board, and thereupon the other appointment shall be deemed void, and, if he fails to give that notice, the second and subsequent appointments shall be deemed void and a further appointment shall be made as if a casual vacancy had occurred in the office of membership of the Board.

(4) A member of the Board who ceases to be a member of the authority by which he was appointed, and a member of the Board who otherwise 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 authority by which he was appointed if, on or before the day on which he goes out of office, he has been re-elected a member of the authority.

First members
of Board.

8.—(1) Each constituent authority shall, at a meeting held not later than the first day of October, nineteen hundred and sixty-one (or such later date as the Minister shall, on the application of any of the constituent authorities, allow), appoint the members of the Board to be appointed by them, and the clerk or

secretary (as the case may be) of each authority shall forthwith send to the clerk of the Bedfordshire County Council the name, address and description of every member appointed by his authority.

(2) The members of the Board appointed in pursuance of this section shall come into office so soon as they are appointed.

(3) The first meeting of the Board shall be convened by the clerk of the Bedfordshire County Council to be held on such day, not being later than the thirty-first day of October, nineteen hundred and sixty-one, and at such place as may be fixed by the chairman of the Bedfordshire County Council.

(4) Subject to the provisions of subsection (5) of this section, the date of retirement of the first members of the Board shall be the thirtieth day of June, nineteen hundred and sixty-four.

(5) The date or dates on which a member of the Board first appointed by any such joint board as is referred to in subsection (3) of section 6 (Constitution of Board) of this Act shall come into office, and on which the member representing the Bedfordshire County Council or the Huntingdonshire County Council (as the case may be) in whose place he is so appointed shall retire from office, shall be such as may be agreed between the Board and the joint board and the county council concerned or, failing agreement, determined by the Minister on the application of the Board.

9.—(1) Subject as provided in section 8 (First members of Board) of this Act, every member of the Board shall come into office on the first day of July and shall hold office, subject to the provisions of this Part of this Act, for a period of three years. Tenure of office and appointment of members.

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

(3) Whenever after the first appointment of members a member of the Board is appointed by any authority, the clerk or secretary (as the case may be) of the authority by which he is appointed shall forthwith send to the clerk of the Board the name, address and description of the member so appointed by his authority.

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. Resignation of members.

PART II
—cont.
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 authority by which the member was appointed.

(2) When any member of the Board ceases to be a member of the authority by which he was appointed, the clerk or secretary (as the case may be) of that authority shall notify the fact to the clerk of the Board.

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 authority by which 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 authority 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, and the acts and proceedings of any person appointed to an office under this Act and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Appointment
of deputies.

14.—(1) Subject to the provisions of subsection (3) of this section, a constituent authority may nominate a person or persons, not being a member or members of the Board, to act as deputy or deputies for all, or any of, the members of the Board appointed by them.

(2) Subject as aforesaid, a person so nominated may attend and vote at any meeting of the Board which the member, or one of the members, for whom he is appointed as deputy is unable to attend or which is held at a time when a casual vacancy exists in the members appointed by the authority by which he is nominated.

(3) (a) At any meeting of the Board a person so nominated shall not be entitled to represent more than one member and a member shall be entitled to be represented by only one such person.

(b) A person so nominated shall not be entitled to vote at any meeting of the Board until notice of his nomination has been given to the clerk, or, if the clerk has not then been appointed, to the clerk of the Bedfordshire County Council.

PART II
—cont.

(c) A person so nominated shall be subject to the same provisions as to qualification for, and disqualification from, office as are contained in, or applied by, this Part of this Act with respect to members of the Board:

Provided that a person so nominated by either of the companies need not be a director of the company by which he is nominated but, if not such a director, shall be an officer of that company.

15.—(1) Each of the chairmen of the county councils shall continue in office as a member of the Board so long as he continues in office as such chairman, and shall not be eligible to be appointed to represent any other authority, and the provisions of this Part of this Act specified in subsection (2) of this section shall not apply to, or in relation to, either such chairman.

Provisions applicable to chairmen of county councils.

(2) The provisions hereinbefore referred to are the following:—

Subsection (4) of section 8 (First members of Board);

Subsections (1) and (2) of section 9 (Tenure of office and appointment of members);

Section 10 (Resignation of members);

Subsection (1) of section 11 (Notice of vacancies);

Section 12 (Casual vacancies);

Paragraph (c) of subsection (3) of section 14 (Appointment of deputies).

16. The meetings and proceedings of the Board shall be conducted in accordance with the rules set forth in the First Schedule to this Act.

Meetings and proceedings.

17.—(1) The Board may appoint committees composed of any 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:

Committees.

Provided that a committee so appointed shall not be authorised to borrow money or to make or vary terms or conditions relating to any supply of water afforded by the Board.

PART II
—cont.

(2) The Board may vary the constitution of, or abolish, any committee appointed under this section and may vary or revoke any delegation of functions made under this section.

Appointment
and
remuneration
of officers.

18.—(1) The Board shall appoint such officers and servants as they think requisite:

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

(2) The Board may pay their 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 officer and servant shall be removable by the Board at their pleasure.

Application
of provisions
of Third
Schedule
to undertaking.

19. The provisions of the Third Schedule specified in the first column of the Second Schedule to this Act shall, subject to the modifications specified in the second column of the said Second Schedule, apply to the undertaking and are hereby incorporated with this Act, other than Parts VIII to XII of this Act.

Application
of general
enactments.

20. Section 265 of the Public Health Act, 1875, the provisions of the Act of 1933 mentioned in the Third Schedule to this Act, section 130 of the Local Government Act, 1948, and section 54 of the Local Government Act, 1958, shall extend and apply to the Board, and to the members and officers of the Board, as if—

- (i) the Board were a local authority;
- (ii) the Board's operational area were their district and the area referred to in subsection (8) of section 76 and in section 276 of the Act of 1933; and
- (iii) references to this Act were substituted for references in the said provisions to the Act in which the provisions occur:

Provided that—

- (a) section 63 of the Act of 1933 so applied shall not have effect in relation to the chairmen of the county councils; and
- (b) for the purposes of sections 76 and 95 of the Act of 1933 so applied, a member of the Board representing either of the companies shall be deemed not to have a pecuniary interest in any matter by reason only of a beneficial interest in shares or stock of the company by which he is appointed.

21. In addition to and without prejudice to the powers and provisions in section 15 of the Local Government Superannuation Act, 1953, the Board may enter into, and carry into effect, agreements or arrangements with any company, body or association for securing pensions or superannuation allowances to, or to the widows, families or dependants of, their employees, or any of them.

PART II
—cont.
Superannua-
tion.

PART III

LANDS

22. In this Part of this Act, the expression “undertakers” means—

Meaning of
“undertakers”
in Part III
of Act.

- (a) in relation to any land in respect of which powers for compulsory acquisition are conferred upon the Board by this Act, the Board;
- (b) in relation to any land in respect of which powers for compulsory acquisition are conferred upon the Lee Valley Company by this Act, the Lee Valley Company;
- (c) in relation to any land in respect of which powers for compulsory acquisition are conferred upon the Luton Company by this Act, the Luton Company;
- (d) in relation to any land in respect of which powers for compulsory acquisition are conferred upon the Mid-Northamptonshire Board by this Act, the Mid-Northamptonshire Board; and
- (e) in relation to any land in respect of which powers for compulsory acquisition are conferred upon the North Bedfordshire Board by this Act, the North Bedfordshire Board.

23.—(1) Subject to the provisions of this Act, the Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the Board’s works, or for the purposes of obtaining access thereto, obtaining materials for the construction thereof, preserving the purity of the waters which may be taken thereby, or otherwise for the purposes of this Act, or for the purpose of rehousing persons displaced under the provisions of this Act.

Power to
acquire lands.

(2) Subject as aforesaid, the Lee Valley Company may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the Lee Valley works, or for the purposes of obtaining access thereto or obtaining materials for the construction thereof.

(3) Subject as aforesaid, the Luton Company may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be

PART III
—cont.

required for the purpose of the Luton works, or for the purposes of obtaining access thereto or obtaining materials for the construction thereof.

(4) Subject as aforesaid, the Mid-Northamptonshire Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the Mid-Northamptonshire works, or for the purposes of obtaining access thereto or obtaining materials for the construction thereof.

(5) Subject as aforesaid, the North Bedfordshire Board may enter upon, take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the North Bedfordshire works, or for the purposes of obtaining access thereto or obtaining materials for the construction thereof.

(6) The powers of the undertakers for the compulsory acquisition of lands under this section shall cease after the expiration of three years from the first day of December, nineteen hundred and sixty-one.

Correction
of errors in
deposited
plans and
book of
reference.

24.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land, or in their statement or description of the ownership or occupation of any land, the undertakers, after giving ten days' notice to the owner, lessee and occupier of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments, and copies thereof in the Private Bill Office, House of Commons, and with the clerk of the county council of the administrative county in which the land to which the certificate relates is situated, and with every clerk of a local authority, and chairman of a parish council or parish meeting, with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament, or who has the custody of any such copy so deposited, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the undertakers to take or use the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

PART III
—cont.

25.—(1) No person shall be required under this Act to sell a part only of any house, building or factory, or of a park or garden belonging to a house, or a part only of any agricultural holding, if he is willing and able to sell the whole of the house, building, factory, park, garden or holding, unless the tribunal determines—

Acquisition
of part
only of
certain
properties.

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

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

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

(3) In this section, the expression “agricultural holding” has the meaning assigned to it by section 1 of the Agricultural Holdings Act, 1948.

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

Power to
expedite
entry.

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

27.—(1) Any person acting on behalf of the undertakers and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all reasonable times, enter on any land which the undertakers are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to
enter for
survey or
valuation

PART III
—cont.

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

(2) Any power conferred by this section to survey land shall include power to make trial borings for the purpose of ascertaining the nature of the subsoil:

Provided that no works authorised by this subsection shall be carried out, unless notice of the intention to carry out the same has been included in the notice required under subsection (1) of this section.

(3) The undertakers shall make compensation to the owner and occupier of any land on which works are carried out under subsection (2) of this section for any damage sustained by the owner or occupier by reason of the carrying out of such works (such compensation being determined in case of dispute by the tribunal), and, if the land on which any such works are carried out is not acquired by the undertakers, the undertakers shall make good and restore the surface of the land.

Disregard
of recent
improvements
and interests.

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

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

(b) any interest in the land created after the said date;

which, in the opinion of the tribunal, was not reasonably necessary and was made, erected or created with a view to obtaining, or increasing, the compensation or purchase money.

Extinction of
private
rights of
way.

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

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the undertakers compensation, to be determined, in case of dispute, under, and in accordance with, the Land Compensation Act, 1961.

Power to
acquire
easements
only.

30.—(1) (a) Instead of acquiring any land which may be acquired under this Act, the undertakers may, for the purposes of constructing, using and maintaining so much of the works

authorised by this Act as will be constructed underground, or for the purpose of obtaining access to any of the works so authorised, and doing anything necessary in connection therewith (including the accommodation of apparatus of other statutory undertakers), acquire such easements and rights in that land as they may require for those purposes.

(b) For the purposes of this section, a work shall be deemed to be underground although apparatus or conveniences connected therewith are partly on the surface.

(2) Accordingly, the undertakers may give notice to treat in respect of any such easement or right, describing the nature thereof, and the provisions of the Lands Clauses Acts shall apply, in relation to the acquisition of such easements and rights, as if they were lands within the meaning of those Acts.

(3) Where the undertakers have acquired an easement or right only in any land under this section—

(a) they shall not be required, or (except by agreement or during the construction of any works) entitled, to fence off or sever that land from the adjoining land; and

(b) the owner or occupier of the land for the time being shall, subject to the easement or right, have the same right to use the land as if this section had not been enacted.

(4) If, in his particulars of claim, the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the undertakers to acquire the land, the undertakers shall not be entitled under this section to acquire the easement or right, unless the tribunal determines that the easement or right can be granted without material detriment to the land, or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house, and, if the tribunal does not so determine, the undertakers may acquire the land compulsorily after the expiration of the period mentioned in subsection (6) of section 23 (Power to acquire lands) of this Act, but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

31.—(1) The undertakers may enter into, and carry into effect, an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement.

Power to
reinstat
owners or
occupiers of
property.

PART III
—cont.

(2) Any such agreement may provide for the exchange of land and, for that purpose, the undertakers may pay or receive money for equality of exchange.

Agreements
with
adjoining
owners.

32.—(1) The undertakers may enter into, and carry into effect, agreements with any person, being the owner of, or interested in, any land abutting on any portion either of the works authorised by this Act or of land which may be acquired under this Act, with respect to the sale by the undertakers to him of any land (including any part of a street appropriated by the undertakers under this Act and not required for those works).

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

Allowances
for displaced
persons.

33.—(1) The Board may pay to any person displaced from any land acquired under this Act for the purposes of the headworks such reasonable allowance as they think fit towards any loss, or in respect of any personal hardship, which, in their opinion, he sustains, or is put to, by reason of his having to quit the land.

(2) In estimating any such loss the Board shall have regard to the period for which the land occupied by that person might reasonably have been expected to be available for occupation by him, and the availability of other land suitable for occupation by him.

(3) The provisions of this section shall be in addition to, and not in derogation of, any enactment or any rule of law relating to compensation for disturbance.

Dwelling-
houses for
employees
of Board.

34.—(1) The Board may purchase, or take on lease, and maintain, houses and buildings for persons in their employment and may also erect, maintain and let to such persons any houses and buildings upon any land for the time being belonging, or leased, to the Board.

(2) No power conferred upon the Board by this section shall be exercised in such a manner as to be at variance with any trust, subject to which any land or building is held, managed or controlled by the Board, without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or that other person.

PART IV

WORKS AND ABSTRACTION OF WATER

35.—(1) Subject to the provisions of this Act, the Board may, Power to in the lines or situations and within the limits of deviation shown Board to on the deposited plans, and according to the levels shown on the construct deposited sections, construct and maintain in the counties of works. Bedford, Huntingdon and Northampton the works hereinafter described:—

In the rural districts of Huntingdon and St. Neots—

Work No. 1 A reservoir (to be called the “Diddington Reservoir”) in the parishes of Buckden, Diddington, Grafham, Great Staughton, Kimbolton and Southoe and Midloe in the rural district of St. Neots and in the parish of Easton in the rural district of Huntingdon, to be formed by means of an embankment or dam (No. 1) across the stream known as Diddington Brook, commencing in the said parish of Southoe and Midloe in the enclosure numbered 19 on the 1/2500 Ordnance map of Huntingdonshire, sheet XXI.10 (edition of 1926), and terminating in the said parish of Grafham, in the enclosure numbered 165 on the 1/2500 Ordnance map of Huntingdonshire, sheet XXI.6 (edition of 1926), and by an embankment or dam (No. 2) commencing in the said parish of Grafham, in the enclosure numbered 197 on the said Ordnance map of Huntingdonshire, sheet XXI.10, and terminating in the said parish of Great Staughton, in the enclosure numbered 559 on the said Ordnance map of Huntingdonshire, sheet XXI.10.

In the rural district of St. Neots—

Work No. 2 An intake, diversion channel and pumping station (to be called “Pumping Station No. 1”) in the parish of Buckden, the said intake being situated on the left bank of the river Great Ouse at a point one thousand yards measured in a northerly direction from the building known as “Bankside”, the said diversion channel commencing at the said intake and terminating in the western channel of the river Great Ouse at a point three hundred yards measured in a southerly direction from Offord and Buckden Mills and the said pumping station being situated on the west side of the said diversion channel at a point two hundred yards measured in a northerly direction from the said intake;

PART IV
—cont.

- Work No. 3 An approach road in the parish of Buckden commencing at the road junction of Stirtloe Lane and Leaden's Lane and terminating at the intake, diversion channel and pumping station (Work No. 2);
- Work No. 4 An aqueduct or line or lines of pipes in the parishes of Buckden, Diddington and Grafham, commencing in the parish of Buckden in Pumping Station No. 1 (part of Work No. 2) and terminating in the parish of Grafham in the Diddington Reservoir (Work No. 1);
- Work No. 5 A pumping station (to be called "Pumping Station No. 2") in the parish of Southoe and Midloe situated in the enclosure numbered 10 on the 1/2500 Ordnance map of Huntingdonshire, sheet XXI.11 (edition of 1926);
- Work No. 6 Treatment works (including pumping stations) in the parishes of Grafham and Great Staughton situated in the enclosures numbered 191, 192, 193, 194, 195, 197, 198, 199, 200, 201, 202, 203, 204, 556, 557, 558, 559, 561, 562 and 563 on the said Ordnance map of Huntingdonshire, sheet XXI.10;
- Work No. 7 An aqueduct or line or lines of pipes in the parishes of Great Staughton and Southoe and Midloe, commencing in the parish of Southoe and Midloe in Pumping Station No. 2 (Work No. 5) and terminating in the parish of Great Staughton in the treatment works (Work No. 6);
- Work No. 8 A road diversion in the parishes of Buckden, Grafham, Great Staughton and Southoe and Midloe, being a diversion of the road from Buckden to East Perry, commencing in the parish of Buckden at a point on the said road four hundred and seventy yards measured in a westerly direction from the junction of that road with the road leading to Buckden Wood and terminating in the parish of Grafham at a point on the said road from Buckden to East Perry one hundred and thirty-five yards measured in an easterly direction from Grafham Farm;
- Work No. 9 A new road in the parishes of Buckden and Grafham commencing in the parish of Buckden by a junction with the road diversion (Work No. 8) at a point one hundred and seventy yards from the commencement thereof and terminating in the parish of Grafham by a junction with the road leading from Buckden to Grafham at a point on that road one

hundred yards measured in a north-westerly direction from the junction of that road with the road leading to East Perry.

PART IV
—cont.

In the urban districts of Rushden and Wellingborough and the rural districts of Bedford, St. Neots and Wellingborough—

Work No. 10 An aqueduct or line or lines of pipes commencing in the said parish of Great Staughton in the treatment works (Work No. 6), passing into and through the parish of Kimbolton in the rural district of St. Neots, the parishes of Pertenhall, Swineshead, Melchbourne and Yielden and Wymington in the rural district of Bedford, the parishes of Newton Bromshold, Irchester and Great Doddington in the rural district of Wellingborough and the urban district of Rushden, and terminating in the urban district of Wellingborough at a point in Northampton Road one hundred and thirty yards measured in a south-westerly direction from the junction of that road with Stanwell Way.

In the rural districts of Bedford and St. Neots—

Work No. 11 An aqueduct or line or lines of pipes commencing in the said parish of Great Staughton in the treatment works (Work No. 6), passing into and through the parish of Hail Weston in the rural district of St. Neots, the parishes of Eaton Socon, Colmworth, Roxton, Wilden and Great Barford in the rural district of Bedford, and terminating in the parish of Renhold in the rural district of Bedford at a point in the road leading from Bedford to St. Neots one hundred and thirty yards measured in an easterly direction from the road junction near to Great Dairy Farm.

In the urban district of Ampthill and the rural districts of Ampthill, Bedford and Luton—

Work No. 12 An aqueduct or line or lines of pipes commencing in the parish of Renhold in the rural district of Bedford by a junction with the aqueduct or line or lines of pipes (Work No. 11) at the termination thereof, passing into and through the parishes of Willington, Cople, Cardington, Eastcotts and Wilshamstead in the rural district of Bedford, the parishes of Haynes and Houghton Conquest in the rural district of Ampthill, and terminating in the urban district of Ampthill in the Ampthill Reservoir (Work No. 13);

Work No. 13 A service reservoir (to be called the “Ampthill Reservoir”) in the urban district of

PART IV
—cont.

Ampthill situated in the enclosures numbered 13, 19, 43, 43a and 43b on the 1/2500 Ordnance map of Bedfordshire, sheet XXI.11 (edition of 1925);

Work No. 14 An approach road in the urban district of Ampthill commencing at a point in Bedford Street seven hundred and thirty yards measured in a northerly direction from the junction of that road with Church Street and terminating at the Ampthill Reservoir (Work No. 13);

Work No. 15 An aqueduct or line or lines of pipes in the urban district of Ampthill and the parish of Maulden in the rural district of Ampthill commencing in the urban district of Ampthill in the Ampthill Reservoir (Work No. 13) and terminating in the said parish of Maulden in the booster pumping station (Work No. 16);

Work No. 16 A booster pumping station in the said parish of Maulden situated in the enclosure numbered 102 on the 1/2500 Ordnance map of Bedfordshire, sheet XXI.16 (edition of 1925);

Work No. 17 An aqueduct or line or lines of pipes commencing in the said parish of Maulden in the booster pumping station (Work No. 16), passing into and through the parishes of Flitton, Flitwick, Pulloxhill and Harlington in the rural district of Ampthill and the parish of Streatley in the rural district of Luton, and terminating in the parish of Sundon in the rural district of Luton in the Sundon Reservoir (Work No. 18);

Work No. 18 A service reservoir (to be called the "Sundon Reservoir") in the said parish of Sundon in the enclosures numbered 26 and 27 on the 1/2500 Ordnance map of Bedfordshire, sheets XXIX.4 and 8 (edition of 1925).

(2) The Board may from time to time renew and alter any of the works described in subsection (1) of this section.

Power to
Luton
Company to
construct
works.

36.—(1) Subject to the provisions of this Act, the Luton Company may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the county of Bedford the works hereinafter described:—

In the rural district of Luton—

Work No. 19 An aqueduct or line or lines of pipes in the parishes of Sundon and Streatley commencing in the parish of Sundon in the Sundon Reservoir (Work No. 18) and terminating in the parish of

Streatley at a point in Barton Road seven hundred yards measured in a southerly direction from New Farm;

Work No. 20 An aqueduct or line or lines of pipes in the parish of Sundon commencing in the Sundon Reservoir (Work No. 18) and terminating at the road junction one hundred and fifty yards measured in a south-westerly direction from the south-west corner of St. Mary's Church;

Work No. 21 An aqueduct or line or lines of pipes in the parish of Sundon commencing by a junction with the aqueduct or line or lines of pipes (Work No. 20) at the termination thereof and terminating at a point seven hundred and thirty yards measured in a southerly direction from the point of commencement;

Work No. 22 An aqueduct or line or lines of pipes in the parishes of Sundon and Toddington commencing in the parish of Sundon by a junction with the aqueduct or line or lines of pipes (Work No. 20) at the termination thereof and terminating in the parish of Toddington at a point in a road on the west side of the motorway M.1 three hundred and thirty yards measured in a northerly direction from the building known as Chalton Cross.

In the borough of Luton and the rural district of Luton—

Work No. 23 An aqueduct or line or lines of pipes in the parish of Toddington in the rural district of Luton and in the borough of Luton commencing in the said parish of Toddington by a junction with the aqueduct or line or lines of pipes (Work No. 22) at the termination thereof and terminating in the borough of Luton at a point in the High Street, Leagrave four hundred and twenty yards measured in a south-westerly direction from the Methodist Chapel, Leagrave;

Work No. 24 An aqueduct or line or lines of pipes in the said parish of Toddington commencing by a junction with the aqueduct or line or lines of pipes (Work No. 22) at the termination thereof and terminating on the parish boundary at a point in a roadway five hundred yards measured in a westerly direction from the said building known as Chalton Cross.

(2) The Luton Company may from time to time renew and alter any of the works described in subsection (1) of this section.

PART IV
—cont.

Power to Lee
Valley
Company to
construct
works.

37.—(1) Subject to the provisions of this Act, the Lee Valley Company may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the county of Bedford the work hereinafter described:—

In the rural district of Luton—

Work No. 25 An aqueduct or line or lines of pipes commencing in the parish of Sundon in the Sundon Reservoir (Work No. 18), passing into and through the parish of Streatley, and terminating in the parish of Barton le Clay in the enclosure numbered 234 on the 1/2500 Ordnance map of Bedfordshire, sheet XXX.6 (edition of 1924).

(2) The Lee Valley Company may from time to time renew and alter the work described in subsection (1) of this section.

Power to Mid-
Northampton-
shire Board
to construct
works.

38.—(1) Subject to the provisions of this Act, the Mid-Northamptonshire Board may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the county of Northampton the work hereinafter described:—

In the urban district of Wellingborough and the rural districts of Brixworth and Wellingborough—

Work No. 26 An aqueduct or line or lines of pipes commencing in the urban district of Wellingborough by a junction with the aqueduct or line or lines of pipes (Work No. 10) at the termination thereof, passing into and through the parishes of Hardwick and Little Harrowden in the rural district of Wellingborough, and terminating in the parish of Hannington in the rural district of Brixworth at the existing Hannington Reservoir of the Mid-Northamptonshire Board.

(2) The Mid-Northamptonshire Board may from time to time renew and alter the work described in subsection (1) of this section.

Power to North
Bedfordshire
Board to
construct
works.

39.—(1) Subject to the provisions of this Act, the North Bedfordshire Board may, in the lines or situations and within the limits of deviation shown on the deposited plans, and according to the levels shown on the deposited sections, construct and maintain in the county of Bedford the work hereinafter described:—

In the borough of Bedford and the rural district of Bedford—

Work No. 27 An aqueduct or line or lines of pipes commencing in the parish of Renhold in the rural district of Bedford by a junction with the aqueduct

or line or lines of pipes (Work No. 11) at the termination thereof, passing into and through the parish of Ravensden in the rural district of Bedford, and terminating in the borough of Bedford at the existing Bedford Reservoir of the North Bedfordshire Board.

PART IV
—cont.

(2) The North Bedfordshire Board may from time to time renew and alter the work described in subsection (1) of this section.

40.—(1) Subject to the provisions of this Act, the Board may stop up the roads, bridleways and footpaths or portions thereof in the rural district of St. Neots referred to in the next following table, so far as the same are shown on the deposited plans as intended to be stopped up, and thereupon all public rights of way over the said roads, bridleways and footpaths, or portions thereof, shall be extinguished:—

Letters on plans denoting road, bridleway or footpath to be stopped up	Parish	Numbers on plans of enclosures traversed by road, bridleway or footpath
b—b ¹ —b ²	Great Staughton ...	8, 17, 18, 40
b ¹ —b ³	Great Staughton ...	3, 7, 17
	Grafham ...	8, 10, 13, 15, 19
e—e ¹	Great Staughton ...	9
	Grafham ...	16
f—f ¹	Grafham ...	34, 36, 42
g—g ¹	Great Staughton ...	57
	Grafham ...	35
h—h ¹	Grafham ...	58, 66, 67, 76
k—k ¹	Southoe and Midloe	13, 19
m—m ¹	Southoe and Midloe	11, 12

(2) Subject as aforesaid, the Board may also stop up so much of any other roads, bridleways or footpaths in the parish of Easton in the rural district of Huntingdon and the parishes of Buckden, Diddington, Grafham, Great Staughton, Kimbolton and Southoe and Midloe in the rural district of St. Neots as may be situate on any lands acquired by the Board under the powers of section 23 (Power to acquire lands) of this Act, which are required for the purpose of any of the Board's works or for obtaining materials for the construction thereof, and thereupon all public rights of way over any such portions of roads, bridleways and footpaths shall be extinguished.

(3) No portion of any road, bridleway or footpath shall be stopped up under the powers of this section until the Board are in possession of all lands on both sides of such portion except so far as the owners, lessees and occupiers of those lands may otherwise agree.

PART IV
—cont.Provision of
new footpath.

41.—(1) Before the completion and first filling of the Diddington Reservoir (Work No. 1), the Board shall provide and open for public use the footpath in the parish of Grafham in the rural district of St. Neots shown on the deposited plans and thereon denoted by the letters q to q¹.

(2) The footpath to be provided by the Board under this section shall be completed to the satisfaction of the Huntingdonshire County Council or, in case of difference between the Board and the Huntingdonshire County Council, to the satisfaction of the Minister of Transport, and shall thereupon be open for public use:

Provided that the Board shall not be required under this section to provide a footpath having a greater width or of a better standard than the footpath in the parish of Grafham shown on the deposited plans and thereon denoted by the letters f to f¹ stopped up under the provisions of section 40 (Power to Board to stop up roads, bridleways and footpaths) of this Act.

(3) As from the date of the completion to the satisfaction of the Huntingdonshire County Council or the Minister of Transport (as the case may be) of the new footpath to be provided by the Board under this section, the said footpath shall be repairable by the Huntingdonshire County Council.

Power to
divert road,
bridleways
and footpaths.

42.—(1) The Board may divert the road, bridleways and footpaths in the rural districts of Huntingdon and St. Neots referred to in the next following table in the manner shown on the deposited plans and, subject to the provisions of this Act, may stop up and cause to be discontinued as a public highway so much of each of the said road, bridleways and footpaths as will be rendered unnecessary by the diversion thereof under the powers of this Act:—

Letters on plans denoting road, bridleway or footpath to be diverted	Parish	Number on plans of enclosures traversed by road, bridleway or footpath to be diverted
J—K	Buckden	26
	Grafham	87
	Great Staughton ...	65
	Southoe and Midloe	10
a—a ¹	Easton	6
	Grafham	1, 6, 10
c—c ¹	Great Staughton ...	61
d—d ¹	Great Staughton ...	63, 64
e ¹ —e ²	Grafham	5
n—n ¹	Easton	3
	Kimbolton	1

(2) Notwithstanding anything in subsection (1) of this section, no portion of the said road, bridleways or footpaths shall be stopped up under the powers of this section until, in the case of the said road, the road diversion (Work No. 8) and the new road (Work No. 9), and, in the case of any of the said bridleways and footpaths, the new bridleway or footpath to be substituted therefor, are or is completed to the satisfaction of the Huntingdonshire County Council and open for public use or, in case of difference between the Board and the Huntingdonshire County Council, the Minister of Transport shall have certified that the said Works Nos. 8 and 9, or the said new bridleway or footpath (as the case may be), have or has been completed to his satisfaction and are or is open for public use:

Provided that the Board shall not be required under this section to construct or complete the said Works Nos. 8 and 9 or any bridleway or footpath to a greater width or better standard than the portion of the said road, bridleways or footpaths for which the said Works Nos. 8 and 9, or the new bridleway or footpath (as the case may be), are or is substituted.

(3) As from the date of the completion to the satisfaction of the Huntingdonshire County Council of the said Works Nos. 8 and 9 or any such diverted bridleway or footpath, or as from the date of the said certificate (as the case may be), all rights of way over or along the portion of the road, bridleway or footpath so stopped up shall be extinguished.

(4) Any bridleway or footpath diverted under the powers of this section shall be repairable by the Huntingdonshire County Council and be subject to the same public rights of way as were exercisable over the bridleway or footpath before its diversion.

43.—(1) The Board during, and for the purpose of, the execution of the Board's works, the Lee Valley Company during, and for the purpose of, the execution of the Lee Valley works, the Luton Company during, and for the purpose of, the execution of the Luton works, the Mid-Northamptonshire Board during, and for the purpose of, the execution of the Mid-Northamptonshire works and the North Bedfordshire Board during, and for the purposes of the execution of the North Bedfordshire works, may temporarily stop up and divert, and interfere with, any highway or drain or culvert and, in the case of any highway, may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway from passing along and using the same. Temporary stoppage of highways, etc.

(2) The Board, or any such authority aforesaid (as the case may be), shall provide reasonable access for foot-passengers bona fide going to or from any such land, house or building.

PART IV
—cont.

(3) The Board, or any such authority aforesaid (as the case may be), shall not exercise the powers of this section in relation to a highway—

(a) in the case of any trunk road, without the consent of the Minister of Transport; or

(b) in the case of any other road, without the consent of the highway authority, but such consent shall not be unreasonably withheld and any question whether such consent is, or is not, unreasonably withheld shall be determined by the said Minister.

(4) The Board, or any such authority as aforesaid (as the case may be), shall not exercise the powers of this section in relation to a drain or culvert without providing a proper substitute before interrupting the passage of water in or through such drain or culvert, and shall make compensation for any damage caused to any person by the exercise of such powers in relation to a drain or culvert, the amount of such compensation being, in case of dispute, referred to, and determined by, the tribunal.

Vesting and maintenance of roads.

44.—(1) The road diversion (Work No. 8), except so much thereof as is referred to in subsection (2) of this section, and the new road (Work No. 9) shall, when completed, be maintained and repaired by, and at the expense of, the Board for a period of one year from the completion and opening thereof respectively for public use and, at the expiration of that period, shall vest in, and be maintained and repaired by, and at the expense of, the Huntingdonshire County Council.

(2) So much of the road diversion (Work No. 8) as shall be carried over the embankment or dam (No. 1) of the Diddington Reservoir (Work No. 1) shall be maintained and repaired by, and at the expense of, the Board for a period of four years from its completion and opening for public use and, at the expiration of that period, the surface of the said road diversion shall vest in, and be maintained and repaired by, and at the expense of, the Huntingdonshire County Council.

Works to form parts of respective undertakings.

45.—(1) The Board's works shall for all purposes form part of the undertaking:

Provided that the road diversion (Work No. 8) and the new road (Work No. 9) shall cease to form part of the undertaking as from the date on which each of them vests in the Huntingdonshire County Council under section 44 (Vesting and maintenance of roads) of this Act.

(2) The Lee Valley works shall for all purposes form part of the Lee Valley undertaking.

PART IV
—cont.

(3) The Luton works shall for all purposes form part of the Luton undertaking.

(4) The Mid-Northamptonshire works shall for all purposes form part of the Mid-Northamptonshire undertaking.

(5) The North Bedfordshire works shall for all purposes form part of the North Bedfordshire undertaking.

46.—(1) For the purposes of maintaining the level of the water in the river Great Ouse immediately above Offord Mill in the parishes of Buckden and Offord Cluny in the rural district of St. Neots at a level of not less than thirty-six feet above ordnance datum (Newlyn) and of measuring the quantity of water flowing in the river Great Ouse—

Provision of
gauges, etc.

- (a) there shall be constructed and maintained under the provisions of section 52 (As to provision of gauging works at Offord, etc.) of this Act, at such points in the said river at or near to Offord Mill as shall be agreed between the Board and the river board or, failing agreement, determined by the Minister, such weirs and sluices and improvements to weirs and sluices, such improvements to Offord Lock and such automatically recording measuring gauges, as may be so agreed or determined; and
- (b) the Board shall construct and maintain, at such point in the diversion channel (part of Work No. 2) below the Pumping Station No. 1 (part of that work) as shall be agreed between the Board and the river board or, failing agreement, determined by the Minister, such weir and automatically recording measuring gauge as may be so agreed or determined:

Provided that the weirs and sluices and improvements to weirs and sluices and improvements to Offord Lock referred to in paragraphs (a) and (b) of this subsection shall be so constructed and maintained as to prevent the taking of water from the river Great Ouse by the Board under the provisions of section 47 (Power to take water from river Great Ouse) of this Act whenever the level of water in the said river immediately above Offord Mill is less than thirty-six feet and three inches above ordnance datum (Newlyn).

PART IV
—cont.

(2) Offord Lock and the weirs and sluices and improvements to weirs and sluices and the gauges mentioned in subsection (1) of this section are in this Act referred to as the “ river flow gauges ”.

(3) The Board shall construct and maintain at the Pumping Station No. 1 (part of Work No. 2) automatically recording measuring gauges to measure all water taken by means of that pumping station.

Power to take
water from
river Great
Ouse.

47.—(1) Subject to the provisions of this Act, the Board may take by means of the intake, diversion channel and pumping station (Work No. 2), and divert and appropriate and use for the purposes of the undertaking, water from the river Great Ouse.

(2) The Board may so take and divert water at a rate equal to three times the amount by which the rate of flow in the river Great Ouse at the river flow gauges (being the rate of flow remaining after water has been so taken and diverted by the Board as aforesaid) from time to time exceeds a rate of thirty million gallons per day:

Provided that—

- (i) the Board shall not so take and divert in any day a quantity of water exceeding one hundred million gallons;
- (ii) the Board shall not so take and divert water from the river Great Ouse at any time when the rate of flow at the river flow gauges is thirty million gallons per day or less; and
- (iii) if, in the period from the beginning of June to the end of September in any year, the sum of the average rate of flow in the river Great Ouse at the river flow gauges and of the average rate at which water is so taken and diverted by the Board from the river Great Ouse in any weekly period of one hundred and sixty-eight hours expiring at midday on a Friday (being the respective averages in the said weekly period of the said rate of flow and of the said rate of taking and diverting water) is less than a rate of fifty million gallons per day, the Board shall not, in pursuance of this section, pump water from the river Great Ouse during the Saturday and Sunday next following the expiration of the said weekly period.

(3) (a) The rate of flow in the river Great Ouse at the river flow gauges shall be calculated for the purposes of subsection (2) of this section by adding to the rate of flow recorded by the

automatically recording measuring gauges, forming part of the river flow gauges, a rate of flow equivalent to such average daily quantity of water as shall be estimated to pass from time to time by means of Offord Lock in the said river.

PART IV
—cont.

(b) The average daily quantity of water estimated to pass from time to time by means of Offord Lock shall be determined from time to time, at the instance of the Board, by agreement between the Board and the river board or, failing agreement, by an arbitrator to be agreed upon by the parties or, failing agreement, appointed by the President of the Institution of Civil Engineers on the application of the Board after notice in writing to the river board:

Provided that, if at any time it appears to the Board that, by reason of any exceptional occurrence affecting the operation of Offord Lock, circumstances exist whereby a daily quantity of water exceeding the estimated average daily quantity so determined is passing, or is likely to pass, by means of the lock, the Board shall, so long as such circumstances continue to exist, pending revision or confirmation of the said estimated average daily quantity by a further determination as aforesaid, be entitled to take into account, in the calculation of the rate of flow in the river Great Ouse, for the purposes of subsection (2) of this section, any additional daily quantity which they have reason to consider is so passing, or likely to pass, in excess of the said estimated average daily quantity, and on taking into account any such additional daily quantity the Board shall give immediate notice thereof to the river board for revision of the said estimated average daily quantity.

48. Subject to the provisions of this Act, the Board may divert, take, impound, appropriate and use for the purposes of the undertaking the waters of the stream known as Diddington Brook and all such other streams, springs, tributaries and feeders flowing into the said stream and all such other waters as may be taken and intercepted by means of the Diddington Reservoir (Work No. 1) and works connected therewith, and may raise or lower or regulate the water, or the level or the flow of water, in the said streams, springs, tributaries and feeders, or any of them, to such extent as may be necessary for the purpose of the construction or operation of the Board's works, or other the purposes of this Act.

Powers to take water from Diddington Brook and other streams.

49. During the first filling and after the completion of the Diddington Reservoir (Work No. 1), the Board shall discharge into the stream known as Diddington Brook, at a point therein

Compensation water to Diddington Brook.

PART IV
—cont.

situated not more than two hundred yards below the foot of the embankment or dam (No. 1) of the said reservoir, water in a uniform and continuous flow at a rate of not less than two hundred and fifty thousand gallons per day during the period from the beginning of May to the end of October, and of not less than seventy thousand gallons per day during the period from the beginning of November to the end of April, and, for the purpose of gauging such discharge, the Board shall construct and maintain in good order such gauges, on such sites, as shall be agreed between the Board and the river board or, failing agreement, determined by the Minister.

Power to take water for construction of works.

50. During the construction of the Diddington Reservoir (Work No. 1) and works connected therewith, the Board may take from the river Great Ouse and from the Diddington Brook such water as they may require for processes carried on in connection with the construction of the said reservoir and works.

Provisions applicable to foregoing sections of Act.

51.—(1) If the Board—

- (a) take any water from the river Great Ouse under the provisions of section 47 (Power to take water from river Great Ouse) of this Act before the gauges referred to in subsections (1) and (3) of section 46 (Provision of gauges, etc.) of this Act shall have been constructed; or
- (b) fail to maintain in good order any gauge which they are, under paragraph (b) of subsection (1), or under subsection (3), of the said section 46, or under section 49 (Compensation water to Diddington Brook) of this Act, required to maintain, or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby, or kept in connection therewith, or to take copies of any such records; or
- (c) fail to comply with the requirements of the said section 49 with respect to the discharge of compensation water into the stream known as Diddington Brook; or
- (d) take any water from the river Great Ouse contrary to the provisions of the said section 47 and section 50 (Power to take water for construction of works) of this Act;

they shall, without prejudice to their civil liability (if any) to a person aggrieved, be liable, in the case of an offence under paragraphs (a) or (b) of this subsection, on summary conviction, to a fine

not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued and, in the case of an offence under paragraphs (c) or (d) of this subsection,—

PART IV
—cont.

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

Provided that the Board shall not be under any liability under the foregoing provisions of this section in respect of any such failure as is therein referred to, if such failure is due to unavoidable accident or other unavoidable cause.

(2) The provisions of the said section 49 and the foregoing provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters impounded by the Diddington Reservoir (Work No. 1) and works connected therewith.

(3) For the purposes of this section, the river board shall be deemed to be interested in the flow of water in, and in the discharge of water into, any river or stream within their area, or any stream feeding such a river or stream, and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such river or stream.

52.—(1) In this section the expression “Offord gauging works” means the weirs and sluices and improvements to weirs and sluices, the improvements to Offord Lock and the automatically recording measuring gauges referred to in paragraph (a) of subsection (1) of section 46 (Provision of gauges, etc.) of this Act, and all such other works or improvements to works and to the banks of the river Great Ouse, not being or forming part of the intake, diversion channel and pumping station (Work No. 2), as may be agreed between the Board and the river board or, failing agreement, determined by the Minister, to be necessary for the purposes of maintaining the level of water referred to in subsection (1) of the said section 46 and of ensuring the proper functioning at all times of the river flow gauges.

As to
provision of
gauging works
at Offord,
etc.

(2) (a) Not less than nine months before the date on which it is intended that the construction of the Offord gauging works shall be commenced, the Board shall give to the river board notice that they require the said works to be constructed and the said notice shall specify the time, not being less than thirty months from the date of the service of the notice, by which it is intended that the said works shall be completed.

PART IV
—cont.

(b) If, within twenty-eight days from the service of notice under paragraph (a) of this subsection, the river board shall signify to the Board that they desire that the Offord gauging works, or any part thereof, should be constructed by the Board, or if, within nine months from the service of the said notice, the river board shall not have submitted to the Board plans and particulars of the works to be constructed, or if at any time the river board do not proceed with reasonable dispatch in the construction of the said works, the Board may themselves construct the said works, or such part thereof as the river board may desire the Board to construct, or such part thereof as may remain to be completed, as the case may be.

(c) Before the river board or the Board commence the construction of the Offord gauging works, or any part thereof, they shall submit for the reasonable approval of the other of them plans, sections and particulars of the said works, and the said works shall be constructed in all respects in accordance with such plans, sections and particulars as may be agreed between the Board and the river board, or settled by arbitration under subsection (8) of this section:

Provided that, if, within twenty-eight days after the submission of plans, sections and particulars of the said works, the Board or the river board (as the case may be) shall not have signified their disapproval thereof, they shall be deemed to have approved them.

(d) The construction of the Offord gauging works, when commenced, shall be carried out with all reasonable dispatch, and the river board or the Board (whichever shall construct the said works or any part thereof) shall at all times afford to the engineer of the other of them access to the works being constructed for the purpose of inspection.

(3) (a) Subject to the provisions of this subsection, as from the completion of the Offord gauging works to the reasonable satisfaction of the river board, the said works shall at all times be maintained by the river board.

(b) In the event of the Offord gauging works or any of them being out of repair at any time the Board may serve notice on the river board requiring them to carry out such works of repair, renewal or reconstruction as may be reasonably required and specifying the time within which it is required that such works shall be carried out.

(c) If the river board shall signify to the Board that they desire that the works of repair, renewal or reconstruction specified in the notice, or any part of such works, should be constructed by the Board, or if, within such time from the service of notice under paragraph (b) of this subsection as may in the circumstances

be reasonably required for the purpose, the river board shall not have proceeded with the carrying out of such works or, in a case where plans, sections or particulars of the works to be carried out are required, shall not have submitted to the Board such plans, sections or particulars, or if, at any time, the river board do not proceed with reasonable dispatch in the carrying out of such works, the Board may themselves carry out such works, or such part thereof as the river board may desire the Board to carry out, or such part thereof as may remain to be carried out, as the case may be.

(d) The provisions of paragraphs (c) and (d) of subsection (2) of this section shall apply in relation to works of repair, renewal or reconstruction of the Offord gauging works which the Board or the river board may from time to time reasonably require to carry out, or to have carried out, as the said provisions apply in relation to the construction of the Offord gauging works:

Provided that if, in the case of any works of repair or renewal, plans, sections or particulars of such works are not reasonably required, the provisions of the said paragraph (c) shall not apply and if, by reason of any emergency, the river board or the Board reasonably require that any works of repair or renewal or reconstruction of the Offord gauging works should be carried out without compliance with the provisions of the said paragraph (c), the river board or the Board (as the case may be) may carry out such works without such compliance, but shall take all reasonable steps in the course of carrying out such works to ensure that at all times the level of water referred to in subsection (1) of the said section 46 is maintained and, so far as may be reasonably practicable, that the river flow gauges function properly.

(4) (a) All costs and expenses reasonably incurred by the river board or the Board in, or in connection with, the construction of the Offord gauging works, or any of them, or in, or in connection with, the maintenance, repair, renewal or reconstruction of the Offord gauging works, or any of them, shall be borne by the river board and the Board in such proportions as may be agreed between them or, failing agreement, determined by the Minister and the Minister of Agriculture, Fisheries and Food acting jointly, having regard to the benefit resulting to the river board, on the one hand, and to the Board, on the other hand, from the construction, or from the maintenance, repair, renewal or reconstruction (as the case may be), of the Offord gauging works, or any of them.

(b) Any costs and expenses incurred by the river board or the Board, or any portion of any such costs and expenses, which, under any agreement or determination made under paragraph (a) of

PART IV
—cont.

this subsection, is to be borne by the other of them, may be recovered by the river board or the Board (as the case may be) from the other of them in any court of competent jurisdiction.

(5) For the purposes of, or in connection with, the construction, maintenance, repair, renewal or reconstruction of the Offord gauging works, the Board shall have power to cleanse, repair or otherwise maintain in a due state of efficiency any existing watercourse, or to deepen, widen or straighten or otherwise improve any existing watercourse, or to remove obstructions to watercourses, erect machinery or place works or do any other act in, or in relation to, the river Great Ouse between the existing weirs and sluices at St. Neots Mill and the existing weirs and sluices at Brampton Mill.

(6) If the river board desire to make any alteration to the Offord gauging works, or to carry out any works or operations in the river Great Ouse which may affect the purposes for which the Offord gauging works are provided, or which may affect the taking by the Board of water from the river Great Ouse under the powers of this Act, they shall, except in a case of emergency, give not less than six months' notice thereof to the Board, and shall make such alterations or carry out such works or operations only in such manner as may be reasonably approved by the Board or determined by arbitration under subsection (8) of this section:

Provided that if, within twenty-eight days after the giving by the river board to the Board of notice under this subsection that they desire to make any alterations or to carry out any works or operations, being alterations, works or operations to which this subsection applies, or (in the case of any such alterations, works or operations of which plans, sections or particulars are reasonably required by the Board) within twenty-eight days after the submission of such plans, sections or particulars, the Board shall not have signified their disapproval, they shall be deemed to have approved the manner in which the river board propose to make such alterations or carry out such works or operations, as the case may be.

(7) The Board and the river board shall at all times have such rights of access to the Offord gauging works, or any of them, as they may reasonably require.

(8) Any question or difference which may arise between the Board and the river board under this section (other than a difference as to the construction thereof) shall be determined by a single arbitrator to be agreed upon between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

53.—(1) The Board may, by means of a compulsory purchase order made by them and confirmed by the Minister, be authorised to purchase land compulsorily for the purpose of the construction by the Board or by the river board of the Offord gauging works, as defined in subsection (1) of section 52 (As to provision of gauging works at Offord, etc.) of this Act.

PART IV
—cont.
Purchase of
land, etc., for
Offord
gauging
works.

(2) The provisions of the Second Schedule to the Act of 1945 shall apply and have effect with respect to a compulsory purchase order made under this section as if—

- (i) the order were made under the Act of 1945;
- (ii) the catchment area of the river Great Ouse were the limits of supply of the Board.

(3) For the avoidance of doubt it is hereby declared that, for the purposes of this section, the expression “land” includes a right to a flow of water appurtenant to land.

54.—(1) It shall be lawful for the Board to divert and alter the course of any river, stream, watercourse or ditch over any lands acquired by them for the purposes of the Board’s works and the existing bed, banks and channel of the diverted portion of any such river, stream, watercourse and ditch, together with all riparian rights, shall, by virtue of this Act, vest in the Board and may be appropriated and used by the Board for the purposes of, or in connection with, those works.

Power to
divert rivers,
streams, etc.

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

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

55. The provisions of section 145 of the Act of 1933 shall apply with respect to the alteration of any watercourse under the powers of section 54 (Power to divert rivers, streams, etc.) of this Act as if the alteration were done in the exercise of powers conferred by the Land Drainage Act, 1930.

Application
of section 145
of Local
Government
Act, 1933.

56. The Board shall provide and maintain, or cause to be provided and maintained, for the workmen employed in and about the construction of the headworks, such accommodation and such arrangements for meals as shall be reasonably necessary having regard to the accommodation available in the

Accommoda-
tion for
workmen
employed on
construction
of headworks.

PART IV
—cont.

neighbourhood of, or conveniently accessible from, the said works, and shall provide and maintain proper and sufficient sanitary accommodation for such workmen.

PART V

SUPPLY OF WATER AND FINANCIAL PROVISIONS RELATING
THERE TO

Entitlement
to water.

57.—(1) Subject as provided in this Part of this Act, each of the water authorities mentioned or described in the first column of the following table shall be entitled to have supplied to them by the Board, at the place specified in the second column of the said table opposite to the name or description of the water authority, or at such other place as may be agreed between the Board and the water authority or authorities concerned,—

- (a) in any year as from and after the completion of the first stage of the works, and in the remaining part of the year then current, the average daily quantity so specified in the third column of the said table; and
- (b) in any year as from and after the date on which any revision of entitlements to water has effect under the provisions of section 61 (Revision of entitlements to water) of this Act, the average daily quantity so specified in the fourth column of the said table, or such other average daily quantity of water as may be agreed or determined under the provisions of the said section 61:—

Water authority	Place	Average daily quantities in million gallons per day	
		(3)	(4)
(1)	(2)		
Lee Valley Company	Sundon Reservoir	1.95	6.0
Luton Company	Sundon Reservoir	7.45	12.0
Mid-Northamptonshire Board	Termination of Work No. 10	7.45	12.0
North Bedfordshire Board ...	Termination of Work No. 11	0.95	4.0
Statutory water undertakers for the supply of water in— the Mid - Bedfordshire area	Amphill Reservoir	1.80	4.0
the Nene and Ouse area ...	Treatment works (Work No. 6)	1.0	2.5

(2) Until any such joint board as is referred to in subsection (3) of section 6 (Constitution of Board) of this Act becomes responsible for the exercise of functions relating to water supply in the

Mid-Bedfordshire area or the Nene and Ouse area, the average daily quantity of water which each of the statutory water undertakers for the time being authorised to supply water in either such area shall be entitled to have supplied to them in accordance with the provisions of this Part of this Act, shall be such as may be determined by the county council mentioned in the second column of the following table opposite to the name of the area in which such statutory water undertakers are authorised to supply water:—

Area (1)	County Council (2)
Mid-Bedfordshire area	Bedfordshire County Council
Nene and Ouse area	Huntingdonshire County Council

Provided that the total of the average daily quantities of water so determined in the case of either area shall be equal to the average daily quantity of water which statutory water undertakers for the supply of water in that area are entitled to receive under the provisions of this Part of this Act.

(3) The average daily quantity of water which, subject to the provisions of section 61 (Revision of entitlements to water) of this Act, each of the water authorities are entitled to have supplied to them under the provisions of subsections (1) and (2) of this section is, in this Act, referred to as the “reserved quantity” of that authority, and, as from the passing of this Act, and until any revision of entitlements to water has effect under the provisions of the said section 61, the reserved quantity of each water authority shall be the average daily quantity specified as the quantity of water which they are, as from and after the completion of the first stage of the works, entitled to have supplied to them under the provisions of the said subsections (1) and (2), whether or not the Board are able to supply that or any quantity of water.

(4) As from the completion of the first stage of the works, each of the water authorities shall be entitled to have supplied to them by the Board, in any day, a maximum daily quantity of water not exceeding by more than twenty per centum the reserved quantity of that authority in the year, or part of a year, in which that day occurs, but nothing in this subsection shall entitle a water authority to have supplied to them, in any year, or part of a year, a quantity of water exceeding the product of their reserved quantity in that year multiplied by the number of days in that year, or in that part of a year, as the case may be.

PART V
—cont.

Provision of
raw water
supply to
authorities in
Nene and
Ouse area.

58.—(1) (a) Any such joint board as is referred to in subsection (3) of section 6 (Constitution of Board) of this Act which has become responsible for the exercise of functions relating to water supply in the Nene and Ouse area or, until such joint board is constituted, the Huntingdonshire County Council acting on behalf of statutory water undertakers authorised to supply water in the Nene and Ouse area, may—

- (i) by notice served on the Board within fifteen months from the passing of this Act, require that all, or such part as shall be specified in the notice, of the average daily quantity of water which those undertakers are entitled to have supplied to them under paragraph (a) of subsection (1) of section 57 (Entitlement to water) of this Act; and
- (ii) by a counter-notice served on the Board under paragraph (b) of subsection (2) of section 61 (Revision of entitlements to water) of this Act, require that all, or such part as shall be specified in the counter-notice of so much of the average daily quantity of water which those undertakers are entitled to have supplied to them under paragraph (b) of subsection (1) of the said section 57 as is additional to the average daily quantity of water which those undertakers are entitled to have supplied to them under the said paragraph (a) of that subsection;

shall be supplied as raw water without treatment.

(b) If no such joint board as aforesaid is constituted within twelve months from the passing of this Act, the function of serving such a notice as is referred to in sub-paragraph (i) of paragraph (a) of this subsection shall be exercised by the Huntingdonshire County Council after consultation with the statutory water undertakers authorised to supply water in the Nene and Ouse area.

(2) (a) If notice is given in pursuance of subsection (1) of this section requiring any average daily quantity of water to be supplied as raw water, the Board shall make provision for the supply of the daily quantity of water so required, either—

- (i) by the discharge of the daily quantity of water so required into the river Great Ouse from the Diddington Reservoir (Work No. 1), by means of the stream known as Diddington Brook, or from the Pumping Station No. 1 (part of Work No. 2); or
- (ii) in such manner as may be agreed between the Board and the water authority, or authorities, for whom such supply is required or, failing agreement, as may be determined under section 146 (Settlement of disputes) of this Act;

and, in that event, only the remainder (if any) of the daily quantity of water which the undertakers, by or on whose behalf the notice

is given, are entitled to have supplied to them under paragraphs (a) or (b) of subsection (1) of the said section 57 shall be supplied at the place specified or determined under that subsection.

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(b) The discharge by the Board into the river Great Ouse, or the supply by the Board in such manner as aforesaid, of any quantity of raw water so required shall be a supply to the statutory undertakers authorised to supply water in the Nene and Ouse area, or to such of them as require it, of the quantity of water so discharged into the river Great Ouse or supplied in such manner as aforesaid (as the case may be) and is hereafter, in this Act, referred to as a "raw water supply".

(3) If, in pursuance of subsection (1) of this section, the Huntingdonshire County Council give notice requiring part only of the average daily quantity of water which statutory water undertakers authorised to supply water in the Nene and Ouse area are entitled to have supplied to them to be supplied as raw water, they shall, under, and in accordance with, the provisions of subsection (2) of the said section 57, determine the apportionment of the raw water supply in respect of the reserved quantities of each of those undertakers.

(4) Subsection (4) of the said section 57 shall apply in relation to a raw water supply provided in respect of the reserved quantities of the statutory water undertakers authorised to supply water in the Nene and Ouse area, or any of them, and to the remainder (if any) of the reserved quantities of those undertakers, as it applies in relation to reserved quantities.

(5) The average daily quantity of water to be supplied as raw water without treatment, as specified in a notice given under subsection (1) of this section, and the manner in which such raw water is supplied, may from time to time be varied by agreement between the Board and any water authority, or authorities, for whom the supply is required but, failing agreement, shall not, under the provisions of this Act, be varied.

59.—(1) The Board shall give not less than twelve months' notice to the water authorities and to the county councils of the expected date of the completion of the first stage of the works.

Notification
of first stage
and interim
supply.

(2) (a) If at any time before the completion of the first stage of the works the Board are able to supply water to one or more of the water authorities but not to all the water authorities, the Board may supply to such one or more of the water authorities such daily quantity, or quantities, of water as that authority, or those authorities, may require, not exceeding the quantity, or quantities, which that authority, or those authorities respectively, are entitled to receive under section 57 (Entitlement to water) of this Act.

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(b) A supply of water to any of the water authorities under this subsection shall be afforded upon such terms and subject to such conditions as the Board may determine.

Notification
of required
supply.

60.—(1) Each of the water authorities shall, within three months from the receipt by them of notice of the expected date of the completion of the first stage of the works, give notice to the Board specifying the average daily quantity of water (if any) which they will require to have supplied to them (not exceeding their reserved quantity) as from the said expected date.

(2) From time to time thereafter, each of the water authorities shall notify the Board of any variation of the average daily quantity of water which they desire to take from the Board's works in respect of their reserved quantity and, in any case where a water authority desire to commence taking a supply of water, or to make an increase in the average daily quantity of water taken by them, from the Board's works in respect of their reserved quantity, which will or may necessitate the construction of works, or the provision of apparatus, by the Board to enable them to afford such supply, or to supply such increased quantity of water (as the case may be), the notice given by the water authority to the Board shall be such as may be reasonably required by the Board to enable them to construct such works or provide such apparatus.

Revision of
entitlements
to water.

61.—(1) For the purposes of this section, until a joint board has become responsible for the supply of water in the Mid-Bedfordshire area, the Bedfordshire County Council shall act on behalf of statutory water undertakers authorised to supply water in that area, and, until a joint board has become responsible for the supply of water in the Nene and Ouse area, the Huntingdonshire County Council shall act on behalf of statutory water undertakers authorised to supply water in that area, and accordingly, in this section, the expression "reserving authorities" means the water authorities, other than any such statutory water undertakers as aforesaid, and includes a county council so acting on behalf of any such statutory water undertakers.

(2) (a) Not later than the first day of April, nineteen hundred and seventy-four, the Board shall, by notice to each of the reserving authorities, request them to state the average daily quantity of water which that authority desire to be entitled to have supplied to them, or to statutory water undertakers on whose behalf the reserving authority are acting (as the case may be), as their reserved quantity in respect of the period beginning on the first day of April, nineteen hundred and seventy-seven, and ending on the thirty-first day of March, two thousand, or in respect of such other period as may be specified by the Board in the notice.

(b) If any reserving authority shall not, before the expiration of the period of six months from the date of the service of notice on them under paragraph (a) of this subsection, by counter-notice to the Board, state some other average daily quantity of water as the reserved quantity of the reserving authority, or of the statutory water undertakers on whose behalf the reserving authority are acting (as the case may be), their reserved quantity in respect of the period specified in the said notice shall be the average daily quantity of water specified in respect of the reserving authority, or of such statutory water undertakers, in the fourth column of the table set out in subsection (1) of section 57 (Entitlement to water) of this Act.

(c) If any reserving authority shall, before the expiration of the said period of six months, by counter-notice to the Board, state some average daily quantity other than the average daily quantity of water so specified in the fourth column of the said table, the Board shall, as soon as may be after the expiration of the said period of six months, convene a meeting of the Board and of representatives of the reserving authorities at which proposals with respect to the reserved quantities of the water authorities shall be considered.

(d) The reserved quantities of the water authorities in respect of the period specified in the notice given by the Board under paragraph (a) of this subsection shall be such as may, within a further period of twelve months after such meeting is held, be agreed by the Board and the reserving authorities and, failing such agreement, shall be the respective average daily quantities of water specified in the fourth column of the said table.

(3) (a) Any reserving authority may, by not less than six months' notice to the Board having effect at the commencement of the tenth year after the beginning of the period specified by the Board in a notice given under paragraph (a) of subsection (2) of this section, or at the commencement of any subsequent tenth year, require the reserved quantities of the water authorities, or any of them, to be reconsidered and, as soon as may be after such notice has effect, the Board shall convene a meeting of the Board and of representatives of the reserving authorities at which proposals for the alteration of the reserved quantities of the water authorities shall be considered.

(b) If, on any such consideration of the reserved quantities, any alteration thereof is agreed by the Board and by all the reserving authorities, the reserved quantities of the water authorities shall, as from such date as may be so agreed, be the average daily quantities of water so agreed.

(c) If, on any such consideration of the reserved quantities, any proposal for the alteration thereof is acceptable to the Board and to at least two of the reserving authorities, the Board shall make application to the Minister for an order to determine the

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reserved quantities of the water authorities, and the date as from which any alteration of the reserved quantities shall have effect:

Provided always that the reserved quantity of any of the water authorities shall not be less than the average daily quantity of water specified in respect of that authority in the fourth column of the table set out in subsection (1) of the said section 57, unless that authority (or, in the case of any statutory water undertakers authorised to supply water in the Mid-Bedfordshire area or the Nene and Ouse area, the reserving authority acting on their behalf) consent.

(4) The provisions of Part I of the First Schedule to the Act of 1945 shall apply to any order which the Minister is authorised to make under paragraph (c) of subsection (3) of this section, and any such order shall, in the circumstances specified in paragraph 8 of the said schedule, be subject to special parliamentary procedure.

Additional
quantities
of water.

62.—(1) If at any time any water authority desire to have supplied to them by the Board, in any year, an average daily quantity of water exceeding their reserved quantity, and the Board are satisfied that such an additional average daily quantity of water can be supplied to that authority without detriment to—

- (i) the supply of any average or maximum daily quantity of water which any of the other water authorities are entitled to have supplied to them under the provisions of section 57 (Entitlement to water) of this Act;
- (ii) the supply of any additional average daily quantity of water previously agreed under this section; and
- (iii) the supply to any other statutory water undertakers of any quantity of water which the Board may previously have agreed, or been required, to supply in bulk under any enactment;

the Board may supply to the first-mentioned authority an average daily quantity of water in excess of their reserved quantity.

(2) Any additional average daily quantity of water agreed to be supplied to a water authority under this section is, in this Act, referred to as the “additional quantity” of that authority.

(3) The supply of an additional quantity to any of the water authorities under this section shall be afforded for such period, and upon such terms and conditions (including terms or conditions requiring the authority taking an additional quantity to make payments to the Board or to any other water authority, or water authorities, and for the making of any adjustments in respect

of payments previously made, or in respect of payments to be made, to the Board by any other water authority or water authorities), as shall be agreed by the Board and all the water authorities, or, failing agreement, determined under section 146 (Settlement of disputes) of this Act.

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—cont.

(4) Unless otherwise determined by the Board in the case of the supply of an additional quantity to any water authority under this section, subsection (4) of section 57 (Entitlement to water) of this Act shall apply, in relation to any additional quantity, as if it were added to, and formed part of, the reserved quantity of the authority to which the additional quantity is agreed to be supplied.

63. Whereas a substantial part of the average daily quantity of water which the statutory water undertakers authorised to supply water in the Nene and Ouse area are entitled, under subsection (1) of section 57 (Entitlement to water) of this Act, to have supplied to them is required for the purpose of satisfying a demand made on them, or some of them, for the supply of water to premises owned or occupied by the Air Ministry from sources of supply in the catchment area of the river Great Ouse, and the period for which any quantity of water is required, or is estimated to be required, for supply to those premises in accordance with that demand is uncertain:

Reduction of reserved quantity of authorities in Nene and Ouse area.

Now therefore the following provisions shall have effect:—

- (1) If and whenever the daily quantity of water so required, or estimated to be required, for supply in any year to the said premises owned or occupied by the Air Ministry is reduced by a quantity of two hundred thousand gallons per day or more, and so becomes, or is (as the case may be) any quantity less than five hundred thousand gallons per day, the statutory water undertakers authorised to supply water in the Nene and Ouse area, or those of them who are responsible for satisfying the said demand, may, by notice to the Board under this section, claim a reduction of their reserved quantity by any quantity not less than two hundred thousand gallons per day and not greater than the amount of the reduction of the said daily quantity of water required, or estimated to be required, for the supply to the said premises owned or occupied by the Air Ministry:
- (2) A notice given under this section shall take effect as from the commencement of the year next following the expiration of nine months from the date on which the notice is given and, as from the date on which the notice takes effect, the reserved quantity of the water authority, or of each of the water authorities, by whom such notice

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has been given, shall be reduced to the extent specified in the notice, and an apportionment to other water authorities of a quantity equal to the amount of such reduction, being an apportionment made in accordance with the provisions of paragraph (3) of this section, shall take effect:

- (3) (a) As soon as may be after the receipt of any notice given under this section, the Board shall convene a meeting of the Board and of representatives of the reserving authorities (as defined in, and for the purposes of, section 61 (Revision of entitlements to water) of this Act) at which proposals for the apportionment to other water authorities as aforesaid of the amount of the reduction of a reserved quantity claimed in the notice shall be considered;
- (b) The amount of the said reduction shall be apportioned by adding to the reserved quantities of such of the other water authorities as aforesaid such quantities, equal in the aggregate to the amount of the reduction, as may, within a period of four months after such meeting is held, be agreed by the Board and the reserving authorities as aforesaid and, failing such agreement, shall be apportioned among all the water authorities, other than statutory undertakers authorised to supply water in the Nene and Ouse area, by adding to the reserved quantity of each of them the same proportion of the amount of the said reduction as their reserved quantity in the year in respect of which the apportionment is made bears to the aggregate of the reserved quantities of those authorities in that year.

Continuance
of supply.

64.—(1) Water (other than raw water supplied by discharge into the river Great Ouse) which a water authority are entitled to have supplied to them under this Part of this Act shall, unless otherwise agreed between the Board and the water authority, be supplied by the Board, and taken by the water authority, in a regular and continuous flow or manner and at an even rate, and at such pressure (being the pressure of water at the point of delivery) as shall be agreed between the Board and the water authority or, failing agreement, determined by arbitration.

(2) The works of each of the water authorities taking supply shall be so constructed and maintained by them that the water (other than raw water as aforesaid) so supplied may at all times flow from the Board's works into the works of each such water authority at the pressure of water at the point of delivery agreed or determined under subsection (1) of this section.

(3) Notwithstanding anything in subsections (1) and (2) of this section, the Board and each of the water authorities may, for the purpose of maintaining, repairing, renewing, testing, cleaning, or altering their respective works, after giving (except in any case of emergency) not less than fourteen days' notice to the water authority, or water authorities, affected thereby, or to the Board (as the case may be), temporarily cease to supply, or to take, water for such period as may be reasonably required:

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Provided that, in the case of a discontinuance of supply to any water authority under this subsection, for the purpose of any works or operations carried out by the Board, the authority may, on giving notice within seven days after the discontinuance of supply has ceased, require the Board, so far as it is reasonably practicable for the Board to do so, to make good the deficiency in the supply of water to the authority caused by such discontinuance, and the making good shall be effected so soon after such last-mentioned notice, and in such manner, as may be reasonably practicable.

65. Any raw water supplied by discharge into the river Great Ouse under the provisions of section 58 (Provision of raw water supply to authorities in Nene and Ouse area) of this Act shall be supplied in accordance with the provisions of subsection (2) of the said section 58, in such manner as may be agreed between the Board and the water authority, or water authorities, for whom such supply is required or, failing agreement, determined by arbitration.

Provisions as to raw water supplied by discharge into river Great Ouse.

66. The Board shall not incur any liability in respect of a failure to supply water under the foregoing provisions of this Part of this Act, if the failure is due to frost, drought or unavoidable accident or other unavoidable cause, or any necessary works or operations carried out by the Board for the purpose of, or in connection with, the renewal or alteration of the Board's works.

As to obligation to supply.

67. If at any time the quantity of water at the disposal of the Board is insufficient to enable the Board to fulfil their obligations from time to time for the supply of water to the water authorities under the provisions of this Part of this Act, the Board shall, unless otherwise agreed by the Board and all the water authorities concerned, make proportionate reductions in the respective maximum daily quantities of water, or (if necessary) in the respective average daily quantities of water, which the water authorities may be entitled to have supplied to them in respect of their reserved quantities and their additional quantities (if any).

Rateable abatement on shortage of supply.

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Provisions as to affording and measuring supplies.

68.—(1) The water to be supplied by the Board to each of the water authorities under this Act shall be measured by meters situated at such point or points, at the place at which the water authority are, under subsection (1) of section 57 (Entitlement to water) of this Act, entitled to have water supplied to them, or, in the case of a raw water supply, at the places at which water is provided by the Board for the purpose of such supply, being, in the case of a raw water supply provided by discharge into the river Great Ouse, the places at which water is discharged by the Board from the Diddington Reservoir (Work No. 1) into the stream known as Diddington Brook and from the Pumping Station No. 1 (part of Work No. 2), as shall be determined by the Board, after consultation with the water authority, or water authorities, taking supply at such place or taking such raw water supply, as the case may be.

(2) All meters for measuring the water supplied by the Board to the water authorities under this Act shall be provided, fixed, maintained and, when necessary, renewed by the Board, and shall be situated in buildings or chambers erected and maintained by the Board.

(3) The Board shall allow any of the water authorities and, until a joint board has become responsible for the supply of water in the Mid-Bedfordshire area or the Nene and Ouse area, the Bedfordshire County Council on behalf of water authorities in the Mid-Bedfordshire area, or the Huntingdonshire County Council on behalf of water authorities in the Nene and Ouse area (as the case may be), or the engineer or surveyor or other duly authorised officer of any water authority or of any such county council, at all reasonable times, on giving to the engineer not less than twenty-four hours' notice, to inspect and examine any meter by which water supplied by the Board is measured and any records made thereby, or kept by the Board in connection therewith, or to take copies of any such records.

(4) Any of the water authorities, or either of the county councils in the circumstances aforesaid, may require the accuracy of any meter by which water supplied by the Board is measured to be tested, and thereupon the Board shall cause such meter to be tested by an engineer to be agreed upon between the Board and the water authority or county council (as the case may be) or, failing agreement, to be appointed by the President of the Institution of Civil Engineers.

(5) (a) The register of any meter provided by the Board under this section shall be prima facie evidence of the quantity of water supplied by the Board through the same.

(b) If any meter fails to register, or registers incorrectly, the quantity of water which shall be deemed to have been supplied by the Board to the water authority concerned shall be determined by agreement between the Board and the water authority or, failing agreement, by arbitration.

(c) If any meter shall register incorrectly the Board shall, on becoming aware thereof, take all such reasonable steps as may be necessary to cause the meter, within a reasonable time, to be repaired or replaced.

69. In this section and the next four following sections, the following expressions have the meanings hereby respectively assigned to them:—

Interpretation
for following
sections of Act
relating to
financial
provisions.

“loan charges”, in relation to any works or apparatus, means annual interest and redemption charges in respect of moneys borrowed by the Board for the purposes of, or in connection with, the acquisition of land for, and the construction of, those works, or for the purposes of, or in connection with, the provision of that apparatus (as the case may be), and includes expenses attributable to the borrowing of such moneys;

“running costs” means—

(i) all costs, charges and expenses incurred by the Board as from the date of the completion of the first stage of the works for the purposes of, or in connection with, the filtration and treatment of water, other than specified charges in respect of works or apparatus constructed or provided for the filtration and treatment of water; and

(ii) all costs, charges and expenses incurred by the Board as from the date of the completion of the first stage of the works in the operation and maintenance of works and apparatus constructed and provided for the purposes of the pumping of water, other than any such costs, charges and expenses apportioned to principal charges under section 70 (Cost of first filling of Diddington Reservoir) of this Act, and, as from that date, includes specified charges in respect of the delivery pumps; and

(iii) as from the date of the completion of the first stage of the works, such proportion as the Board may from time to time determine (not being less than

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one-half) of all other costs, charges and expenses incurred by the Board on revenue account, not being specified charges; and

(iv) rates;

“relevant share”, where used to denote an apportionment of running costs, means, in relation to each of the water authorities, the fraction of which the numerator is the total quantity of water supplied, other than as raw water, in respect of their reserved quantity to that authority in the year to which the fraction relates, and the denominator is the aggregate of the total quantities of water supplied, other than as raw water, in respect of reserved quantities to all the water authorities taking supplies of water from the Board in that year:

Provided that, if, in pursuance of a notice given under section 58 (Provision of raw water supply to authorities in Nene and Ouse area) of this Act, the whole, or any part, of the reserved quantity of any of the water authorities, being statutory water undertakers authorised to supply water in the Nene and Ouse area, is required to be provided by means of a raw water supply—

(i) the relevant share in an apportionment of so much of running costs as comprises rates, in relation to each of the water authorities, shall be altered by the inclusion, in the total quantity of water supplied to that authority in the numerator of the fraction, and in the aggregate of the total quantities of water supplied to all the water authorities in the denominator of the fraction, of any quantity of raw water so supplied in the year to which the fraction relates; and

(ii) if and so long as such raw water supply is required to be provided otherwise than by discharge of water into the river Great Ouse in accordance with the provisions of sub-paragraph (i) of paragraph (a) of subsection (2) of the said section 58, the relevant share in an apportionment of so much of running costs as comprises costs, charges and expenses incurred by the Board as from the date of the completion of the first stage of the works in the operation and maintenance of works and apparatus constructed and provided for the purposes of the pumping of water into the Diddington Reservoir (Work No. 1), in relation to each of the water authorities, shall be altered by the inclusion in the total quantity of water supplied to that authority in the numerator of the

fraction, and in the aggregate of the total quantities of water supplied to all the water authorities in the denominator of the fraction, of any quantity of raw water so supplied in the year to which the fraction relates otherwise than by discharge of water into the river Great Ouse as aforesaid;

“specified charges” means, in relation to each of the Board’s works,—

- (i) loan charges in respect of the works;
- (ii) taxes apportioned to the works under section 72 (Apportionment of taxes) of this Act; and
- (iii) all costs, charges and expenses incurred by the Board on revenue account for the purposes of, or in connection with, the maintenance, repair or renewal of the works;

“principal charges” means—

- (i) specified charges in respect of the headworks;
- (ii) contributions to a reserve fund established under section 83 (Reserve fund) of this Act;
- (iii) all other costs, charges and expenses incurred by the Board on revenue account, not being specified charges or running costs;

“appropriate share”, where used to denote an apportionment of principal charges, or of specified charges in respect of works or apparatus (other than the headworks) constructed or provided, or to be constructed or provided, for the supply of water to any of the water authorities, means, in relation to each of the water authorities, the fraction of which the numerator is the reserved quantity of that authority in the year to which the fraction relates, and the denominator is—

(a) in the case of principal charges, the aggregate of the reserved quantities in that year of all the water authorities; and

(b) in the case of specified charges, the aggregate of the reserved quantities in that year of those water authorities for the supply of water to which the works or apparatus (not being the headworks) are, or are to be, constructed or provided:

Provided that, if, in pursuance of a notice given under section 58 (Provision of raw water supply to authorities in Nene and Ouse area) of this Act, the whole, or any part, of the reserved

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quantity of any of the water authorities, being statutory water undertakers authorised to supply water in the Nene and Ouse area, is required to be provided by means of a raw water supply—

- (i) the appropriate share in an apportionment of so much of principal charges as includes specified charges in respect of the pumping station (Work No. 5), the treatment works (Work No. 6) and the aqueduct or line or lines of pipes (Work No. 7), in relation to each of the water authorities, shall be altered by the exclusion from the reserved quantity of that authority in the numerator of the fraction, and from the aggregate of the reserved quantities of all the water authorities in the denominator of the fraction, of any quantity of water provided, or to be provided, as raw water; and
- (ii) if and so long as such raw water supply is required to be provided by the discharge of water into the river Great Ouse in accordance with the provisions of sub-paragraph (i) of paragraph (a) of subsection (2) of the said section 58, the appropriate share in an apportionment of so much of principal charges as includes one-half of specified charges in respect of the intake, diversion channel and pumping station (Work No. 2), the approach road (Work No. 3) and the aqueduct or line or lines of pipes (Work No. 4), in relation to each of the water authorities, shall be altered by the exclusion from the reserved quantity of that authority in the numerator of the fraction, and from the aggregate of the reserved quantities of all the water authorities in the denominator of the fraction, of any quantity of water provided, or to be provided, as raw water by discharge into the river Great Ouse.

Cost of first filling of Diddington Reservoir.

70. If the date of the completion of the first stage of the works occurs before the level of water in the Diddington Reservoir (Work No. 1), on first filling, reaches a level of one hundred and forty-four feet ordnance datum (Newlyn), any costs, charges and expenses incurred by the Board in any year after that date, and before the level of water in the reservoir first reaches the level aforesaid, in the operation and maintenance of works and apparatus constructed and provided for the purpose of pumping water into the reservoir, shall be apportioned wholly or partly to running costs or principal charges, as may be fair and equitable having regard to the extent to which such costs, charges and expenses are incurred, on the one hand, for the purpose of replacing water taken from the reservoir for supply and, on the other hand, for the purpose of the first filling of the reservoir respectively.

71. Subject to the provisions of subsection (3) of section 62 (Additional quantities of water) of this Act, all revenue received by the Board, other than revenue on account of payments made by the water authorities for water supplied, or to be supplied, to them in respect of reserved quantities from the Board's works in accordance with the provisions of this Part of this Act, shall be set off by the Board against principal charges, specified charges, or running costs, or partly against one and partly against another, or the others, of those heads of expenditure, as the Board may consider fair and equitable.

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—cont.

Set off of
revenue against
expenditure.

72. All sums payable in each year by the Board in respect of taxes, other than taxes assessable under section 169 or section 170 of the Income Tax Act, 1952, shall, for the purposes of this Part of this Act, be apportioned by the Board among such of the following capital assets as, at the commencement of that year, shall have been completed by the Board and are available for use for water supply, namely—

Apportion-
ment of taxes.

- (i) the headworks;
- (ii) the delivery pumps; and
- (iii) each of Works Nos. 10 to 18, other than any of the delivery pumps constructed or provided as part of, or in connection with, or for the purposes of, any of those works;

in the same proportion as the loan charges payable by the Board in that year in respect of each of those assets bears to the total amount of all loan charges payable by the Board in that year.

73.—(1) Subject to the provisions of subsection (3) of this section, on or before the first day of January in the year current on the passing of this Act and in each year thereafter, the Board shall deliver to each of the water authorities, and, so long as amounts are payable to the Board by the Bedfordshire County Council under the provisions of section 74 (Payments to Board pending establishment of joint boards) of this Act, to that county council, an estimate of the amount of—

Delivery of
estimates and
payments.

- (i) the appropriate share of principal charges of that authority; and
- (ii) the appropriate share (if any) of that authority of specified charges in respect of the Board's works (other than the headworks and delivery pumps), or any part thereof, constructed or provided, or to be constructed or provided, for supply to that authority; and

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(iii) the relevant share (if any) of that authority of running costs;

such estimate being an estimate of the amount payable by that authority in the year next following, as consideration for water supplied, or to be supplied, to them from the Board's works.

(2) The amount shown in the estimate so delivered to each of the water authorities and the Bedfordshire County Council (as the case may be) shall be paid by that authority by equal instalments on the first day of July and the first day of January (or on such other days as may be reasonably determined by the Board) in the year in which the amount is payable.

(3) In respect of the period from the passing of this Act to the thirty-first day of March next following that date, the Board shall, as soon as practicable after the passing of this Act, deliver to each of the water authorities, and, if amounts are then payable to the Board by the Bedfordshire County Council under the provisions of the said section 74, to that county council, an estimate of the amount as aforesaid payable by that authority in respect of the said period, and the amount shown in the estimate so delivered to each of the water authorities or the Bedfordshire County Council (as the case may be) shall be paid by that authority on the first day of January next following the passing of this Act, or on such other day as may be agreed between the Board and the authority concerned.

Payments to Board pending establishment of joint boards.

74.—(1) In this section the expression "specified penny rate product" means, in relation to the area in question, the sum which bears to the product of a rate of one penny in the pound (as estimated for the purposes of subsection (2) of section 9 of the Rating and Valuation Act, 1925) for the year in question for the whole of England and Wales the same proportion as the population of the area bears to the population of England and Wales, or, if the product of a rate of one penny in the pound (as so estimated) for the area in question is greater than the sum so determined for the year in question, the product of a rate of one penny in the pound (as so estimated) for the area.

(2) (a) Until any such joint board as is referred to in subsection (3) of section 6 (Constitution of Board) of this Act becomes responsible for the exercise of functions relating to water supply in the Mid-Bedfordshire area, any amounts payable under this Part of this Act, in respect of supplies of water provided, or to be provided, by the Board to statutory water undertakers for the supply of water in that area, shall be payable by the Bedfordshire County Council, and accordingly, the provisions of this Part of this Act relating to the making of payments to the Board shall have effect, in relation to that area, as if for

reference therein to a water authority, or water authorities, being statutory water undertakers for the supply of water in that area, there were substituted reference to that county council.

PART V
—cont.

(b) Payments made to the Board by the Bedfordshire County Council in accordance with paragraph (a) of this subsection shall be chargeable solely on the area in their county comprised in the Mid-Bedfordshire area:

Provided that the Bedfordshire County Council may, by notice to the Urban District Council of Linslade, demand repayment by that council of a sum bearing to the total amount of any payments so made to the Board by the county council in any year the same proportion as the specified penny rate product of the urban district of Linslade for that year bears to the specified penny rate product of the whole of the Mid-Bedfordshire area, and any amount so demanded by the county council shall be a debt due to the county council from the Urban District Council of Linslade and may be recovered by the county council in any court of competent jurisdiction.

(3) Until any such joint board as is referred to in subsection (3) of the said section 6 becomes responsible for the exercise of functions relating to water supply in the Nene and Ouse area, any amounts payable in any year under this Part of this Act in respect of supplies of water provided, or to be provided, by the Board to statutory water undertakers for the supply of water in that area shall be aggregated and each of the water authorities, being statutory water undertakers for the supply of water in that area, shall pay such proportion of the aggregate of the amounts so payable as the specified penny rate product of the area within the Nene and Ouse area supplied by the water authority bears to the specified penny rate product of the whole of the Nene and Ouse area.

75. If any amount payable to the Board by any of the water authorities under the foregoing provisions of this Act is not paid to the Board by the authority within a period of thirty days after the date on which it is due to be paid, the authority in default shall pay to the Board interest on the amount so due, at the rate of one per centum over the Bank Rate for the time being, or the rate of five per centum (whichever shall be the greater), from the said date until the date of payment.

Payment of
interest on
amounts
overdue.

76.—(1) (a) Subject as provided in paragraph (b) of this subsection, the Board shall, as soon as practicable after the end of each year, deliver to each of the water authorities, and, so long as amounts are payable to the Board by the Bedfordshire County Council under the provisions of section 74 (Payments

Settlement
of accounts.

PART V
—cont.

to Board pending establishment of joint boards) of this Act, to that county council, a final account, showing in respect of that year—

- (i) the total amounts payable by each of the water authorities to the Board in respect of that year in accordance with the foregoing provisions of this Part of this Act;
- (ii) the respective payments made by the water authorities to the Board in respect of that year; and
- (iii) the amounts of any balances due to, or from, the Board from, or to, the water authorities.

(b) In respect of the period from the passing of this Act to the thirty-first day of March next following the passing of this Act, the Board shall, as soon as practicable after the said thirty-first day of March, deliver to each of the water authorities and, if amounts are then payable to the Board by the Bedfordshire County Council under the provisions of the said section 74, to that county council, a final account showing the matters specified in paragraph (a) of this subsection in respect of the said period.

(2) A balance due from, or to, any of the water authorities as aforesaid shall be paid to, or by, the Board by, or to, the authority from, or to, which the balance is due within one month from the delivery of the final account under this section.

Recovery of
amounts due
or payable
to Board.

77. The amount due to the Board by any water authority under the provisions of this Part of this Act, and the amount of interest payable to the Board by any water authority in default under section 75 (Payment of interest on amounts overdue) of this Act, shall be a debt due to the Board from such authority and may be recovered by the Board in any court of competent jurisdiction.

Terms and
conditions
relating to
bulk supplies.

78.—(1) Notwithstanding anything in any enactment, the Board shall not be required to give a supply of water in bulk to any statutory water undertakers, other than the water authorities, on terms and conditions more advantageous to any such undertakers than those on which a water authority is entitled to receive supply from the Board under this Act, and, without prejudice to the generality of the foregoing, the Board shall not be required to give a supply of water to any such statutory water undertakers except on such terms and conditions as will enable the Board to require the payment of an amount (either as a lump sum, or by instalments over such period as the Board may determine, with interest thereon) equivalent to the aggregate annual payments which would have been payable under, and in accordance with, the provisions of this Act if the supply were given to a water authority

in respect of a reserved quantity equal to the average daily quantity of water to be supplied to those statutory water undertakers, being a reserved quantity specified in section 57 (Entitlement to water) of this Act as an average daily quantity of water which a water authority were entitled to have supplied to them as from and after the completion of the first stage of the works.

PART V
—cont.

(2) In this section the expression “water authority” in the singular shall not include any statutory water undertakers authorised to supply water in the Nene and Ouse area.

PART VI

GENERAL FINANCIAL PROVISIONS RELATING TO GREAT OUSE WATER AUTHORITY

79.—(1) The Board may borrow—

Power to
Board to
borrow.

- (a) such sums as may be necessary for any of the purposes of this Act relating to the Board;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the next following table, the sums specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed for any purpose under paragraph (b) of subsection (1) of this section shall not exceed the period, calculated from the date of the purchase of the lands, easements or rights, or the bringing into use of the works, for, or in respect of, which any such sum is borrowed, specified in relation to such purpose in the third column of the said table.

(3) Subject to the provisions of this section, the provisions of Part IX of the Act of 1933 applied to the Board by this Act shall have effect as if money borrowed under this section were borrowed under that Part, and as if the next following table were in the Eighth Schedule to that Act:

Provided that, notwithstanding anything in the Act of 1933, the repayment (by sinking fund or otherwise) of any moneys to be borrowed by the Board under this section (other than moneys borrowed for working capital or to pay the sums payable by the Board under section 147 (Costs of Act) of this Act) shall, unless otherwise decided by the Board, in the case of moneys so borrowed for, or in respect of, works to be constructed for the purpose of the completion of the first stage of the works, and may, in the

PART VI
—cont.

case of moneys so borrowed for, or in respect of, any other works, be suspended until the works for, or in respect of, which such moneys are borrowed are brought into use, or until the expiration of five years from the date, or dates, of borrowing (or such longer period as the Minister may allow) whichever shall first happen.

(1) Purposes for which money may be borrowed	(2) Amount	(3) Maximum period for repayment of loan
(a) The purchase of lands, easements and rights for the Board's works	The sum required	Sixty years.
(b) The construction of Works Nos. 1, 3, 8, 9 and 14	£2,383,000	Sixty years.
(c) The construction of Works Nos. 2, 4, 5, 7, 10, 11, 12, 13, 15, 16, 17 and 18, except pumping plant forming part of Works Nos. 2, 5 and 16	£6,009,000	Fifty years.
(d) The construction of Work No. 6, except pumping plant and treatment plant	£1,644,000	Forty years.
(e) The provision of treatment plant	£720,000	Twenty years.
(f) The provision of pumping plant	£913,000	Fifteen years.
(g) The payment out of capital of interest on moneys borrowed for, or in respect of, the foregoing purposes	The sum required	In relation to each of the following purposes, the period specified opposite thereto:— purpose (a) sixty years; purpose (b) sixty years; purpose (c) fifty years; purpose (d) forty years; purpose (e) twenty years; purpose (f) fifteen years.
(h) Working capital	£100,000	Twenty years.
(i) The payment of the sums payable by the Board under section 147 (Costs of Act) of this Act	The sum required	Five years.

80. Notwithstanding anything in this Act or in any other enactment, interest on any moneys borrowed by the Board under section 79 (Power to Board to borrow) of this Act (other than on moneys borrowed for working capital or to pay the sums payable by the Board under section 147 (Costs of Act) of this Act) shall, unless otherwise decided by the Board, in the case of moneys so borrowed for, or in respect of, works to be constructed for the purpose of the completion of the first stage of the works, and may, in the case of moneys so borrowed for, or in respect of, any other works, be paid by the Board out of moneys borrowed under the said section 79 for that purpose, but only until the works for, or in respect of, which such moneys are borrowed are brought into use, or until the expiration of five years from the date, or dates, of borrowing (or such longer period as the Minister may allow), whichever shall first happen.

PART VI

—cont.

Payment of interest on moneys borrowed by Board until completion of works.

81.—(1) Except as otherwise expressly provided by this Act, all the receipts of the Board shall be carried to a common fund and all expenses incurred by the Board shall be defrayed out of that fund.

Common fund of Board.

(2) 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.

82.—(1) Any of the constituent authorities may lend to the Board any sum or sums which the Board are empowered to borrow, on such terms and conditions as may be agreed between the Board and the authority.

Power for authorities to lend money to Board.

(2) The provision by any authority of money for lending to the Board under the foregoing subsection shall be a purpose for which the authority (other than a company) may borrow money, and for which a company may apply moneys raised by them by the issue of capital, or by borrowing on mortgage of their undertaking, or by the issue of debenture stock.

83.—(1) The Board may, subject to the provisions of this section, by appropriating thereto in any year 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, repairing, enlarging or improving any part of the works forming part of the undertaking, or otherwise for the benefit of the undertaking.

Reserve fund.

(2) (a) Any sums so appropriated for the formation or maintenance of a reserve fund may (unless paid into the consolidated loans fund under section 85 (Consolidated loans fund) of this Act) be from time to time invested in any securities in which

PART VI
—cont.

trustees are for the time being authorised by law to invest trust funds, and the interest and other annual proceeds received by the Board in respect of such investments shall be carried to the common fund.

(b) Subject to the provisions of the next following subsection, the Board shall in every year, in addition to any sums appropriated for the formation and maintenance of the reserve fund under subsection (1) of this section, carry to the credit of the fund out of the common fund an amount equal to the interest and other annual proceeds carried to the common fund in pursuance of the last foregoing paragraph.

(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 upon the undertaking no sums shall be appropriated to the fund.

(4) The amount which, subject to the provisions of the last foregoing subsection, may be appropriated by the Board in any year to the formation or maintenance of the reserve fund shall not exceed a sum equal to one-half of one per centum of the capital expenditure theretofore incurred by the Board upon the undertaking.

Application
of capital
moneys
received
on disposal
of land.

84. All capital moneys received by the Board at any time before the establishment by them of a consolidated loans fund in pursuance of section 85 (Consolidated loans fund) of this Act in respect of the disposal of any land forming part of the undertaking shall be applied by them in reduction of any capital moneys borrowed by them, or in such other way as may, except in cases fulfilling the conditions specified in paragraph (a) or in paragraph (d) of subsection (2) of section 27 of the Town and Country Planning Act, 1959, be approved by the Minister.

Consolidated
loans fund.

85.—(1) The Board may establish and maintain a fund, to be called “the consolidated loans fund”, to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

(a) all moneys borrowed by the Board by the 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 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) other 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.

(2) 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 shall be carried to the credit of that fund.

(3) 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 stock for extinction, or the repayment of any moneys borrowed by the Board; and

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

And the moneys of the consolidated loans fund which are not used or applied in those ways, or intended to be so used or applied within a reasonable period, shall be invested in any securities in which trustees are for the time being authorised by law to invest trust funds, and any sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund, and the moneys of the consolidated loans fund shall not, except with the consent of the Minister, be used or applied otherwise than as provided by this section.

(4) 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.

(5) The Board may pay into the consolidated loans fund any moneys forming part of any fund established for the repayment of debt or of any reserve, depreciation, contingency, insurance, superannuation or other similar fund (any of which funds is hereinafter referred to as “the lending fund”), and not for the time being required for the purposes of the lending fund, and any 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 the purposes of the lending fund; and

(b) there shall be paid out of the consolidated loans fund to the common fund of the Board an amount equal to

PART VI
—cont.

the interest on any moneys so used and for the time being not repaid to the lending fund, at such rate per centum per annum as may be determined by the Board to be equal, as nearly as may be, to the average rate of interest payable by the Board on their current borrowings, and in the accounts of the common fund of the Board the like amount (subject to any prescribed limit on the amount of the lending fund) shall be credited to that lending fund.

(6) The powers conferred by this section shall not be exercised by the Board except in accordance with a scheme approved by the Minister, and any 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 approved in like manner as the original scheme.

Insurance
fund.

86.—(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 arise in respect of such risks as may be specified in a resolution of the Board (in this section referred to as “the specified risks”).

(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) The Board shall provide the yearly payments aforesaid by contributions from the common fund.

(6) (a) Except so far as the insurance fund, and the proceeds of sale of securities in which that fund is invested, may be required to meet losses, damages, costs and expenses in respect of the specified risks, all moneys for the time being standing in the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in securities in which trustees are for the time being authorised by law to invest trust moneys, and the interest and other annual proceeds received by the Board in respect of such securities shall be carried to the common fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section, the Board shall in every year, so long as the fund is less than the prescribed amount, carry to the credit of that fund out of the common fund an amount equal to the interest and other annual proceeds carried to the common fund in pursuance of paragraph (a) of this subsection.

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

(8) In this section the following expressions have the following meanings:—

“insurance office” means—

- (i) an insurance company; or
- (ii) an underwriter being a member of an association of underwriters;

“prescribed amount” means such sum (not being in any year less than ten times the sum payable to the insurance fund in that year pursuant to subsection (3) of this section) as may from time to time be prescribed by the Board.

87.—(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 “Great Ouse Water Authority Bonds” (in this Act referred to as “bonds”) in accordance with the provisions of this Act.

Power to borrow by issue of bonds.

PART VI
—cont.

(2) Where the Board raise money by the issue of bonds, sections 209 to 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 Fourth Schedule to this Act shall have effect with regard to bonds.

Closing of registers.

88.—(1) The Board may close any transfer book, or the register of transfers, of any authorised security (other than stock) for a period not exceeding fourteen days next before the date on which interest on the authorised security to which the transfer book or register relates is payable.

(2) Any transfer of an authorised security made during the period when the transfer book or register is closed shall, as between the Board and the person claiming under the transfer (but not otherwise), be considered as made subsequently to the payment of the interest on the security.

Interest orders by post.

89.—(1) The Board may give notice to any person registered as the holder of any authorised security (other than stock) that they intend to send interest to him by post if he does not object, and, if he does not, within fourteen days from the receipt of the notice, give notice to the Board of such objection, the Board may from time to time send orders for the payment of interest by post to the address of that person appearing in the register:

Provided that, if any such person gives 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 them by post to that other person at that address.

(2) Where more persons than one are registered as joint holders of any authorised security, any one of them may, for the purpose of this section, be regarded as the holder of the security, unless notice 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 authorised security.

(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.

90.—(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 authority, or by any officer of any such authority authorised by that authority for that purpose.

PART VI
—cont.

Accounts
and audit.

(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 shall be passed not later than two months after the first meeting of the Board, at a meeting of the Board specially convened for the purpose, of which not less than one month’s previous notice specifying the object of the meeting 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, 238 and subsections (1) and (2) of section 239) shall, 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;

the Institute of Municipal Treasurers and Accountants;

any 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 one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade”; and

PART VI
—cont.

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

(3) (a) 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 paragraph (b) of subsection (2) of this section.

(b) Not less than one month after the passing of any resolution to adopt the other of the two systems as aforesaid the Board shall, by notice to the Minister, inform him of the system so adopted.

(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 authority so soon as may be after completion of the audit.

Payment
of certain
expenses.

91.—(1) The Board may pay—

(a) to the chairman of the Board such allowance as they think reasonable for the purpose of enabling him to meet the expenses of his office;

(b) reasonable expenses incurred by the Board on account of, or in connection with,—

(i) the public opening or inspection of the Board's works or any works forming part of the undertaking;

(ii) the provision of refreshments for any persons attending conferences or meetings convened by the Board in connection with the undertaking;

(iii) the reception and entertainment of persons representative of, or connected with, water supply or other public services, and the supply of information to any such persons.

(2) The Board may defray any travelling or other expenses reasonably incurred by, or on behalf of, any members or employees of the Board in making official visits on behalf of the Board, or in attending conferences or meetings of any such society or body as is mentioned in subsection (4) of this section:

Provided that the amount defrayed under this subsection in respect of expenses of any member of the Board shall not exceed the payment which he would have been entitled to receive by way of travelling allowance or subsistence allowance under section 113

of the Local Government Act, 1948, if the making of the visit had been an approved duty of that member within the meaning of that section.

PART VI
—cont.

(3) In addition to their powers under section 9 of the Water Act, 1948, to pay subscriptions to associations of water undertakers, the Board may pay reasonable subscriptions, whether annually or otherwise, to the funds of associations of local authorities, or to the funds of associations of officers of local authorities or water undertakers, being, in any such case, associations formed for the purpose of consultation as to the common interests of those authorities and undertakers and the discussion of matters relating to water supply.

(4) The Board may pay reasonable subscriptions, whether annually or otherwise, to the funds of any scientific or other society or body (not carrying on business for profit), which is engaged, or whose members are engaged, in research or the keeping of records of value to water undertakers, and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

PART VII

MISCELLANEOUS PROVISIONS APPLICABLE TO GREAT OUSE WATER AUTHORITY

92.—(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 within which each of the water authorities are for the time being authorised to supply water, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the Board.

PART VII
—cont.

(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 area comprising the limits within which each of the water authorities are for the time being authorised to supply water, 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 within the said area 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, 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.

Evidence of
appointments,
authority, etc.

93.—(1) In proceedings under any enactment, a document purporting to be certified by the clerk of the Board as a copy of a resolution passed, order made, or report received, by the Board or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Board or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Board on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the Board or a committee thereof on that date.

(3) In this section “ officer ” includes a servant and an agent.

Modification
of mortgages
by endorse-
ment under
hand.

94.—(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.

PART VII
—cont.

(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.

95. 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.

As to proof
of continued
existence of
pensioners.

96.—(1) Subject to the provisions of this section, where any sum to which this section applies is payable to a person by the Board, and the Board are satisfied, after considering medical evidence, that the said person (hereafter in this section referred to as “the patient”) is incapable, by reason of mental disorder within the meaning of the Mental Health Act, 1959, of managing and administering his property and affairs, the Board may pay the said sum, or such part thereof as they think fit, to the institution or person having the care of the patient, to be applied for his benefit, and may pay the remainder (if any), or such part thereof as they think fit,—

Pay, pensions,
etc., of
mentally
disordered
persons.

(a) to, or for the benefit of, persons who appear to the Board to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or

(b) in reimbursement, with or without interest, of money applied by any person, either in payment of the patient’s debts (whether legally enforceable or not), or for the maintenance or other benefit of the patient or such persons as are mentioned in paragraph (a) of this subsection.

(2) 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.

PART VII
—cont.

(3) 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 authority having jurisdiction under Part VIII of the Mental Health Act, 1959, 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 (1) of this section applies, the Board shall at the same time give notice in writing to that person in a form approved by the said authority:

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

(4) If at any time the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, 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 said authority withdraw the notice.

(5) 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 VIII

SPECIAL PROVISIONS APPLICABLE TO LEE VALLEY WATER COMPANY

Incorporation
of Acts with
Part VIII of
Act.

97.—(1) The following enactments, so far as the same are applicable to the purposes and are not inconsistent with the provisions of the Lee Valley Water Acts, 1959 and 1961, are hereby incorporated with this Part of this Act, namely:—

(a) sections 1 to 37, 61 to 65 and 120 to 123 of the Companies Clauses Consolidation Act, 1845:

Provided that section 15 of the said Act of 1845 shall have effect as if for the words “on demand” there were substituted the words “within two months after delivery thereof”;

(b) the Companies Clauses Act, 1863 (except sections 17 to 21 and the provisions thereof which limit the rate of dividend on preference capital and Parts III and IV thereof).

(2) For the purpose of such incorporation, the expression “the special Act” in the said Acts respectively shall be construed to mean this Part of this Act, and the expression “the company” shall mean the Lee Valley Company.

98.—(1) In addition to the capital already authorised to be raised by the Lee Valley Company, they may from time to time raise additional capital by the creation and issue at their option of ordinary shares or stock, or preference shares or stock, or wholly or partly by one or more of those modes, to such an amount as will be sufficient to produce, after taking into account premiums and discounts (if any), which may be obtained or allowed on the issue thereof, the sum of one million, three hundred and fifty thousand pounds, but no such shares or stock shall vest in the person accepting the same until the full price of such shares or stock, including any premiums obtained on the sale thereof, has been paid in respect thereof.

PART VIII
—cont.

Additional
capital for Lee
Valley
Company.

(2) No share created and issued under this section shall be of less nominal value than one pound.

99. In subsection (1) of section 52 (Maximum rates of dividends) of the Lee Valley Water Act, 1959, the following new paragraph shall be substituted for paragraphs (b) and (c), namely:—

Amendment
of section 52
of Lee Valley
Water Act,
1959.

“ (b) on other capital—

(i) issued as ordinary capital—
seven per centum;

(ii) issued as preference capital—
six per centum;

or, in either case, such higher rate not exceeding eight per centum as the Minister may allow before the subscription from time to time of any such ordinary or preference capital”.

100. No sum which may arise by way of premium from the issue by the Lee Valley Company of any shares or stock under the provisions of this Part of this Act shall be considered as part of the capital of the Company entitled to dividend.

As to
premiums.

PART IX

SPECIAL PROVISIONS APPLICABLE TO LUTON WATER COMPANY

101.—(1) The following enactments, so far as the same are applicable for the purposes and are not inconsistent with the provisions of the Luton Water Acts and Orders, 1865 to 1961, are hereby incorporated with this Part of this Act, namely:—

Incorporation
of Acts with
Part IX
of Act.

(a) the Companies Clauses Consolidation Act, 1845, except sections 56 to 60 (which relate to the conversion of the borrowed money into capital) and sections 161 and 162 (which provide for affording access to the special Act);

(b) the Companies Clauses Act, 1863, except the provisions thereof which limit the rate of dividend on preference capital and Part IV thereof (which relates to change of name).

PART IX
—cont.

(2) For the purpose of such incorporation, the expression “ the special Act ” in the said Acts respectively shall be construed to mean this Part of this Act, and the expression “ the company ” shall mean the Luton Company.

Date of operation of Part IX of Act.

102. This Part of this Act shall come into force on the first day of January, nineteen hundred and sixty-two (hereafter in this Part of this Act referred to as “ the appointed day ”).

Application of Third Schedule to Luton undertaking.

103.—(1) The provisions of the Third Schedule (except the provisions thereof mentioned in Part I of the Fifth Schedule to this Act) shall, subject to the modifications set out in Part II of the said schedule, apply to the Luton undertaking, and are hereby incorporated with each of the enactments comprised in the Luton Water Acts and Orders, 1865 to 1961.

(2) The last foregoing subsection shall not apply to any provision of the Third Schedule to the extent to which that provision applies to the Luton undertaking, with or without modification, otherwise than by virtue of this Part of this Act.

Luton water rates and charges.

104.—(1) The Luton Company may, in respect of water supplied to any premises for domestic purposes, charge a water rate of an amount not exceeding four shillings in the pound, calculated—

(a) in the case of a house, or of premises used partly for business, trade or manufacturing purposes, or partly for the exercise of functions by any public authority, on the net annual value thereof;

(b) in the case of any other premises, on such proportion of the net annual value thereof (not exceeding seventy-five per centum) as the Luton Company may from time to time determine:

Provided that the Luton Company may in any case make in respect of any such supply a minimum charge equal to the charge for the time being payable in respect of a house having a net annual value of fifteen pounds.

(2) The charge for a supply of water taken by meter within the limits within which the Luton Company are for the time being authorised to supply water shall not exceed four shillings per thousand gallons.

Luton charges for gardens and washing vehicles.

105.—(1) (a) Where water which the Luton Company supply for domestic purposes and in respect of which they charge a water rate—

(i) is used for watering a garden not exceeding three-quarters of an acre in area; or

(ii) is used for horses, washing vehicles or other purposes in stables, garages or other premises where horses or vehicles are kept;

PART IX
—cont.

the Company may, in either case, if a hosepipe is used, charge, in respect of that use of the water, an additional annual sum not exceeding three pounds.

(b) Where, in either such case, water is drawn from a tap outside the house, but no hosepipe is used, the Luton Company may charge an additional annual sum not exceeding one pound ten shillings.

(c) Sums charged under this subsection shall be paid either quarterly or half-yearly as the Luton Company may determine and shall be recoverable in the manner in which water rates are recoverable.

(d) In this subsection "hosepipe" includes similar apparatus but not a sprinkler or a sprinkler hose.

(2) Where water which the Luton Company supply for domestic purposes and in respect of which they charge a water rate is used for watering a garden exceeding three-quarters of an acre, or where a sprinkler or a sprinkler hose is used, the terms and conditions on which the supply is given shall be determined in accordance with the provisions of section 27 of the Act of 1945.

106.—(1) The Luton Company may from time to time raise additional capital, not exceeding in the whole five hundred thousand, five hundred pounds, by the creation and issue of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by one or more of those modes respectively.

Additional
capital for
Luton
Company.

(2) It shall not be lawful for the Luton Company to create and issue under the powers of this section any greater nominal amount of share capital than shall be sufficient to produce, including any premiums and allowing for any discounts which may be obtained or allowed on the issue thereof, the sum of five hundred thousand, five hundred pounds.

(3) The Luton Company shall not, under the provisions of this section, issue any share of less nominal value than one pound.

107. The additional capital authorised by the last foregoing section of this Act shall form part of the general share capital of the Luton Company and, save as is otherwise expressly provided by this Part of this Act, the holders thereof respectively, in proportion to the amount of their shares or stock, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents in all respects as holders of share capital of the Luton Company of the same class or description.

Additional
share capital
to be part
of general
capital.

PART IX
—cont.
Maximum
rates of
dividend.

108.—(1) Subject to the provisions of this section, the Luton Company shall not in respect of any year after the appointed day pay dividends on their paid-up capital at rates greater than the following rates (that is to say):—

- (a) on the consolidated ordinary stock created by or under the Luton Water Act, 1897, the Luton Water Order, 1933, or the Luton Water Order, 1939, and issued before the coming into force of this Act, four per centum;
- (b) on ordinary capital (other than the said consolidated ordinary stock) or preference capital, seven per centum, or, in the case of preference capital entitled by the terms on which it was subscribed to a rate of dividend lower than seven per centum, that lower rate.

(2) Nothing in the last foregoing subsection shall prevent the payment of a greater dividend on so much of the paid-up share capital as is issued as ordinary capital in order to make up deficiencies in previous dividends:

Provided that, as respects the ordinary capital referred to in paragraph (b) of subsection (1) of this section, this subsection shall apply only in relation to deficiencies arising during the last five years before the year in respect of which a dividend is being paid.

Power to
Luton
Company to
borrow.

109.—(1) The Luton Company may, without obtaining any certificate of a justice under section 40 of the Companies Clauses Consolidation Act, 1845, raise for the purposes of the Luton undertaking, by borrowing, either by way of mortgage of the Luton undertaking or by the creation and issue of debenture stock, or partly by one and partly by the other of those modes, any sum or sums not exceeding in the whole (when added to any money borrowed on mortgage or raised by the creation and issue of debenture stock before the appointed day and outstanding on the date of any exercise by the company of the foregoing power of borrowing) fifty per centum of the amount (including premiums and allowing for discounts) which, at the time of borrowing, has been raised by the Luton Company by the issue of share capital under the Luton Water Acts and Orders, 1865 to 1961.

(2) For the purposes of this section, where any ordinary or preference shares or stock have been, or shall hereafter be, issued for a consideration other than cash, a sum equal to the nominal amount of such shares or stock shall be deemed to have been raised by the issue thereof.

110. The following provisions of the Luton Water Order, 1951, shall, so far as possible, extend and apply to any ordinary or preference shares or stock, debenture stock or mortgages created and issued or granted by or under the provisions of this Act, or to any moneys raised thereunder, as if those sections were, with any necessary modifications, re-enacted in this Part of this Act :—

PART IX
—cont.
Application
of certain
enactments
for Part IX of
Act.

Section 16 (Debenture stock);

Section 17 (Priority of mortgages and debenture stock over other debts);

Section 18 (Priority of principal moneys secured by existing mortgages);

Section 19 (Appointment of receiver);

Section 20 (Application of money).

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

Repeal and
amendment
of Luton
enactments.

(a) so much of the Luton Water Acts and Orders, 1865 to 1959, as incorporates the Waterworks Clauses Act, 1847, and the Waterworks Clauses Act, 1863, or either of those Acts, or any provision in either of those Acts;

(b) the enactments mentioned in the first column of the Sixth Schedule to this Act, to the extent specified in the second column of that schedule;

(c) so much of any section of any of the Luton Water Acts and Orders, 1865 to 1951, as incorporates with, or extends or applies to any purpose of, that enactment any section, or part of a section, mentioned in the said schedule.

(2) The enactments mentioned in the first column of the Seventh Schedule to this Act shall have effect subject to the amendments specified in the second column of that schedule.

112. Without prejudice to the operation of section 38 of the Interpretation Act, 1889,—

Savings for
Part IX of Act.

(a) all agreements and other instruments entered into or made before the appointed day under any enactment amended or repealed by this Part of this Act by or with the Luton Company, or any trustee or person acting on behalf of the Luton Company, or by or with any other person to whose rights or liabilities the Luton Company have succeeded, and in force immediately before the

PART IX
—cont.

appointed day, shall be as binding and of as full force and effect in every respect against, or in favour of, the Luton Company and be enforceable as fully and effectually as if this Part of this Act had not been passed;

- (b) all notices and demands given or made under any enactment mentioned in the Sixth Schedule to this Act, and in force immediately before the appointed day, shall continue in force in like manner, and to the like extent, as if the enactment had not been repealed.

PART X

SPECIAL PROVISIONS APPLICABLE TO MID-NORTHAMPTONSHIRE
WATER BOARD

Mid-North-
amptonshire
water charges.

113. As from the first day of January, nineteen hundred and sixty-two, for the purposes of the provisions of Part XII of the Third Schedule as applied to the Mid-Northamptonshire undertaking and incorporated with the Mid-Northamptonshire Water Board Order, 1948, the maximum charge for a supply of water taken by meter shall be four shillings and sixpence per thousand gallons.

Power to
Mid-North-
amptonshire
Board to
borrow.

114.—(1) The Mid-Northamptonshire Board may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act relating to the Mid-Northamptonshire Board;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the next following table, the sums specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed for any purpose under paragraph (b) of subsection (1) of this section shall not exceed the period, calculated from the date of the purchase of the lands, easements or rights, or the bringing into use of the works, for, or in respect of, which any such sum is borrowed, specified in relation to such purpose in the third column of the said table.

(3) Subject to the provisions of this section, the provisions of Part IX of the Act of 1933 applied to the Mid-Northamptonshire Board by the Mid-Northamptonshire Water Board Order, 1948, shall have effect as if money borrowed under this section were borrowed under that Part, and as if the next following table were in the Eighth Schedule to that Act:

Provided that it shall not be obligatory on the Mid-Northamptonshire Board to commence the repayment (by sinking fund or otherwise) of any moneys to be borrowed under this section until the works for, or in respect of, which such moneys are borrowed are brought into use, or until the expiration of five years from the date, or dates, of borrowing (or such longer period as the Minister may allow), whichever shall first happen.

PART X
—cont.

Purposes for which money may be borrowed	Amount	Maximum period for repayment of loan
(a) The purchase of lands, easements and rights for the Mid-Northamptonshire works	The sum required	Sixty years.
(b) The construction of Work No. 26	£276,000	Fifty years.
(c) The payment out of capital of interest on moneys borrowed for, or in respect of, the foregoing purposes	The sum required	In relation to purpose (a) sixty years and in relation to purpose (b) fifty years.

115. Notwithstanding anything in this Part of this Act or in any other enactment, the Mid-Northamptonshire Board may pay interest on any moneys borrowed under section 114 (Power to Mid-Northamptonshire Board to borrow) of this Act out of moneys borrowed under the said section 114 for that purpose, but only until the works for, or in respect of, which such moneys are borrowed are brought into use, or until the expiration of five years from the date, or dates, of borrowing (or such longer period as the Minister may allow), whichever shall first happen.

Payment of interest on moneys borrowed by Mid-Northamptonshire Board until bringing into use of works.

PART XI

SPECIAL PROVISIONS APPLICABLE TO NORTH BEDFORDSHIRE WATER BOARD.

116.—(1) The North Bedfordshire Board may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act relating to the North Bedfordshire Board;
- (b) without the consent of any sanctioning authority, for any of the purposes specified in the first column of the next following table, the sums specified in relation thereto in the second column of that table.

Power to North Bedfordshire Board to borrow.

(2) The period for the repayment of a sum borrowed for any purpose under paragraph (b) of subsection (1) of this section shall not exceed the period, calculated from the date of the purchase

PART XI
—cont.

of the lands, easements or rights, or the bringing into use of the works for, or in respect of, which any such sum is borrowed, specified in relation to such purpose in the third column of the said table.

(3) Subject to the provisions of this section, the provisions of Part IX of the Act of 1933 applied to the North Bedfordshire Board by the North Bedfordshire Water Board Order, 1960, shall have effect as if money borrowed under this section were borrowed under that Part, and as if the next following table were in the Eighth Schedule to that Act:

Provided that it shall not be obligatory on the North Bedfordshire Board to commence the repayment (by sinking fund or otherwise) of any moneys to be borrowed under this section until the works for, or in respect of, which such moneys are borrowed are brought into use, or until the expiration of five years from the date, or dates, of borrowing (or such longer period as the Minister may allow), whichever shall first happen.

Purposes for which money may be borrowed	Amount	Maximum period for repayment of loan
(a) The purchase of lands, easements and rights for the North Bedfordshire works	The sum required	Sixty years.
(b) The construction of Work No. 27	£103,000	Fifty years.
(c) The payment out of capital of interest on moneys borrowed for, or in respect of, the foregoing purposes	The sum required	In relation to purpose (a) sixty years and in relation to purpose (b) fifty years.

Payment of interest on moneys borrowed by North Bedfordshire Board until bringing into use of works.

117. Notwithstanding anything in this Part of this Act or in any other enactment, the North Bedfordshire Board may pay interest on any moneys borrowed under section 116 (Power to North Bedfordshire Board to borrow) of this Act out of moneys borrowed under the said section 116 for that purpose, but only until the works for, or in respect of, which such moneys are borrowed are brought into use, or until the expiration of five years from the date, or dates, of borrowing (or such longer period as the Minister may allow), whichever shall first happen.

Repeal of section 28 of North Bedfordshire Water Board Order 1960.

118. Section 28 (Demand and collection of water charges by constituent councils) of the North Bedfordshire Water Board Order, 1960, is hereby repealed.

PART XII

MISCELLANEOUS PROVISIONS APPLICABLE TO CERTAIN AUTHORITIES

119.—(1) The provisions of this Part of this Act shall apply to the North Bedfordshire Board, and to any joint board which may be constituted by any enactment for the purpose of exercising functions relating to water supply in the Mid-Bedfordshire area.

Application of provisions and meaning of "undertakers" in Part XII of Act.

(2) (a) The provisions of this Part of this Act mentioned in paragraph (b) of this subsection shall apply to the Luton Company.

(b) The provisions hereinbefore referred to are the following:—

- Section 120 (Special readings of water meters);
- Section 122 (Recovery of water rates and charges from certain owners);
- Section 125 (Guarantees in respect of supplies for new buildings);
- Section 126 (As to premises deemed to be supplied with water);
- Section 127 (Cutting off communication pipes to prevent waste of water);
- Section 129 (Dwelling-houses for employees of undertakers); and
- Section 130 (Obstructions to stopcocks, valves and indicator boards, etc.).

(3) (a) The provisions of this Part of this Act mentioned in paragraph (b) of this subsection shall apply to the Mid-Northamptonshire Board.

(b) The provisions hereinbefore referred to are the following:—

- Section 124 (Remission of water rates on grounds of poverty); and
- Section 130 (Obstructions to stopcocks, valves and indicator boards, etc.).

(4) In this Part of this Act the expression "undertakers" means the North Bedfordshire Board, any joint board constituted for the purpose of exercising functions relating to water supply in

PART XII
—cont.

the Mid-Bedfordshire area, the Luton Company or the Mid-Northamptonshire Board, to which, under the foregoing provisions of this section, a provision of this Part of this Act, in which that expression is used, applies.

Special
readings of
water meters.

120. Where the undertakers 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.

As to meter
rents.

121.—(1) Notwithstanding anything in section 35 of the Act of 1945, if the undertakers 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 for the time being authorising the undertakers to make a minimum charge in respect of any supply afforded by meter.

Recovery of
water rates
and charges
from certain
owners.

122.—(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 undertakers 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 undertakers 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 undertakers 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, as and when applied to the undertaking of the undertakers, applies by virtue of resolutions of the undertakers.

Agreements
as to
collection
of rates, etc.

123.—(1) The undertakers and the council of a county borough, borough, urban district or rural district, wholly or partly within the limits within which the undertakers are for the time being authorised to supply water, may enter into, and carry into effect, agreements with respect to the collection by such council of the

rates and charges which the undertakers 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 undertakers.

PART XII
—cont.

(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 undertakers 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 undertakers, such sum as may be agreed between the undertakers and that council (or, failing agreement, as may be determined by an arbitrator to be appointed by agreement between the parties or, failing such agreement, by the President of the Institute of Municipal Treasurers and Accountants, on the application of either party after notice in writing to the other of them) 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; and
- (b) the same books and forms of demand note and receipt may be used for the general rate and such rates or charges.

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

Remission of
water rates
on grounds
of poverty.

- (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.

PART XII

—cont.

Guarantees
in respect of
supplies for
new buildings.

125.—(1) Where, in pursuance of section 37 of the Act of 1945, the owner of any land requires the undertakers to construct any works for the purpose of affording a supply of water to any new buildings which he proposes to erect, the undertakers, 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 undertakers of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

(2) If the undertakers and the owner of any land have entered into an agreement in pursuance of section 37 of the Act of 1945, then such agreement shall be binding not only upon the undertakers and the owner joining in the agreement but also upon the successors in title of any owner so joining and upon any person claiming through, or under, them:

Provided that—

- (i) any such agreement shall be treated as a local land charge for the purposes of the Land Charges Act, 1925, as amended; and
- (ii) any person upon whom such agreement is binding shall be entitled to require from the undertakers a copy thereof.

As to premises
deemed to
be supplied
with water.

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

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

127. Where any house, building or other premises within the limits within which the undertakers are for the time being authorised to supply water are demolished, or appear to the undertakers to be uninhabitable or incapable of use, or, in the case of premises other than a house, remain unoccupied for a period of not less than one month, and the undertakers 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:

Provided that—

- (i) in any case where the undertakers 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 incapable of use, 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 undertakers that reasonable steps are being taken to render the house, building or premises habitable or capable of use, or that the premises will be occupied within a reasonable period (as the case may be), the undertakers shall not cut off the communication pipe but may take such other action as they may consider necessary to prevent waste of water;

- (ii) the undertakers 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.

128. Section 63 (Power to repair supply pipes) of the Third Schedule, as and when applied to the undertaking of the undertakers, shall have effect as if in subsection (2) thereof, for the words "may be settled by the court" there were substituted the words "may be settled by the engineer of the undertakers or other officer duly authorised in that behalf by the undertakers".

PART XII
—cont.

129.—(1) The undertakers may purchase, or take on lease, and maintain, houses and buildings for persons in their employment and may also erect, maintain and let to such persons any houses and buildings upon any land for the time being belonging, or leased, to the undertakers.

Dwelling-houses for employees of undertakers.

(2) No power conferred upon the undertakers by this section shall be exercised in such a manner as to be at variance with any trust, subject to which any land or building is held, managed or controlled by the undertakers, without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or that other person.

130. Where any person has—

- (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

Obstructions to stopcocks, valves and indicator boards, etc.

PART XII
—cont.

- (3) covered over, damaged or removed any identification mark, plate, post or board installed by the undertakers 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 undertakers 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 undertakers by that person and shall be recoverable by the undertakers 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.

PART XIII

PROTECTIVE PROVISIONS

Crown rights.

131.—(1) Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Board, the Lee Valley Company, the Luton Company, the Mid-Northamptonshire Board or the North Bedfordshire Board to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

- (a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or
- (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent of that government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of any of the statutory water undertakers mentioned in subsection (1) of this section—

- (a) to carry out code regulated works within the meaning of the Public Utilities Street Works Act, 1950, in any highway vested in, or maintained by, the Minister of Transport; or
- (b) to carry out any works by reason only that such works involve, or are likely to involve, an alteration in any telegraphic line of the Postmaster General in relation to which paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878, apply.

132. (1) Any electrical works or apparatus erected, constructed or laid down under the powers of section 35 (Power to Board to construct works) of this Act or of section 16 of the Railways Clauses Consolidation Act, 1845, as incorporated by section 3 (Incorporation of Acts) of this Act shall be so erected, constructed or laid down, and so maintained and used, 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.

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For
protection of
Postmaster
General.

(2) Where, in pursuance of the powers conferred by section 40 (Power to Board to stop up roads, bridleways and footpaths) or section 42 (Power to divert road, bridleways and footpaths) of this Act, the Board stop up the whole, or any portion, of a road, bridleway or footpath the following provisions of this subsection shall, unless otherwise agreed in writing between the Board and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to, or used by, the Postmaster General as is under, in, upon, over, along or across the land which, by reason of the stopping up, ceases to be a road, bridleway or footpath (in this subsection referred to as "the affected line") (that is to say):—

- (a) the power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up of the road, bridleway or footpath, or portion of the road, bridleway or footpath, so however that the said power shall not be exercisable as respects the whole, or any part, of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (3) of this section, unless, before the expiration of that period, the Postmaster General has given notice to the Board of his intention to remove the affected line or that part thereof, as the case may be;
- (b) the Postmaster General may, by notice in that behalf to the Board, abandon the affected line, or any part thereof, and shall be deemed, as respects the affected line, or any part thereof, to have abandoned it at the expiration of the said period of three months, unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) the Postmaster General shall be entitled to recover from the Board the expense of providing in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may reasonably require;

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(d) where under paragraph (b) of this subsection the Postmaster General has abandoned the whole, or any part, of the affected line it shall vest in the Board and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) As soon as practicable after the whole, or any portion, of a road, bridleway or footpath has been stopped up in pursuance of the powers referred to in subsection (2) of this section the Board shall send by post to the Postmaster General a notice informing him of such stopping up.

(4) The exercise of the powers of section 43 (Temporary stoppage of highways, etc.) of this Act in relation to any highway shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to, or used by, him which, at the time of the stopping up, was under, in, upon, over, along or across that highway; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal, to enter upon or break open that highway.

For protection of Huntingdonshire County Council.

133. The following provisions for the protection of the Huntingdonshire County Council (in this section referred to as "the county council") shall, except as otherwise agreed in writing between the Board and the county council, have effect:—

- (1) Notwithstanding anything in this Act, the Board shall construct the road diversion (Work No. 8) and the new road (Work No. 9) with a minimum width between the fences thereof of forty feet, a carriageway of twenty feet in width and two level verges each of not less than five feet in width:
- (2) If at any time after the completion of the Diddington Reservoir (Work No. 1), any damage or interference is caused to any part of the road diversion (Work No. 8) in consequence of the construction of the said reservoir, the Board shall forthwith give notice thereof to the county council, and all such damage shall forthwith be made good and any such interference shall be removed by the Board at their own expense and under the superintendence (if given) and to the reasonable satisfaction of the county council:
- (3) If the county council shall themselves desire to carry out the works necessary to make good any such damage, or to remove any such interference, as aforesaid, they

may, on giving not less than seven days' previous notice to that effect to the Board, forthwith carry out any such works, and the Board shall reimburse the county council in respect of any expense which they may reasonably incur in executing such works:

- (4) The Board shall, during such period as the headworks are in process of construction, pay to the county council, or to the standing joint committee of Huntingdonshire, the cost of maintaining such an additional number of police as may be reasonably necessary for the due preservation of order in the area in which the headworks are situate in consequence of the construction of the headworks:
- (5) The Board shall, during the said period, pay to the county council all expenses reasonably incurred by them as local education authority—
- (a) in providing and maintaining any additional accommodation of a temporary character which may be necessary for the education of the children or dependents of workmen of the Board, their contractors or agents, employed in, or in connection with, the construction of the headworks; and
- (b) in providing means of transport for such children or dependents to and from the nearest school from and to their places of abode:
- (6) In calculating any payment to be made under paragraphs (4) and (5) of this section, regard shall be had to any sums receivable by the county council, or by the standing joint committee of Huntingdonshire, by way of specific grant in respect of the cost incurred in maintaining police as mentioned in paragraph (4) of this section and by way of general grant under section 1 of the Local Government Act, 1958, in respect of expenses incurred in relation to the children or dependents referred to in paragraph (5) of this section, but so that no additional cost shall be imposed upon the county council:
- (7) Any difference which may arise between the Board and the county council under this section (other than a difference as to the construction thereof) shall be determined by arbitration.

134. For the protection of the British Transport Commission (hereafter in this section referred to as "the commission"), the following provisions shall, unless otherwise agreed in writing

For protection of British Transport Commission.

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—cont.

between the appropriate undertakers and the commission, apply and have effect:—

(1) In this section—

“ the appropriate undertakers ” means, in relation to the reservoir (Work No. 1) and the aqueducts or lines of pipes (Works Nos. 10 and 12), the Board and, in relation to the aqueduct or line or lines of pipes (Work No. 22), the Luton Company;

“ railway lands ” means the lands, railways and railway works of the commission;

“ the authorised works ” means so much of the aqueducts or lines of pipes (Works Nos. 10, 12 and 22) as may be situated on, over or under railway lands, or the construction of which may affect the same;

“ the commission’s engineer ” means an engineer appointed by the commission;

“ construct ” includes alter and renew, and “ construction ” shall be construed accordingly:

(2) The appropriate undertakers shall not under the powers of this Act acquire compulsorily any railway lands, but the appropriate undertakers may acquire, and the commission shall, if so required by the appropriate undertakers, grant to the appropriate undertakers, such easements and rights in the railway lands shown on the deposited plans as the appropriate undertakers may require for the purposes of the authorised works:

(3) (a) The appropriate undertakers shall, before commencing the construction of any of the authorised works, furnish to the commission sufficient plans, sections, drawings and particulars thereof for the approval of the commission’s engineer, which approval shall not be unreasonably withheld or delayed, and shall not commence the construction thereof until such plans, sections, drawings and particulars shall have been so approved by the commission’s engineer or, in case of difference between the commission’s engineer and the appropriate undertakers, until they shall have been settled by arbitration;

(b) If within twenty-eight days after such plans, sections, drawings and particulars have been furnished to the commission, the commission’s engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved them:

(4) If within twenty-eight days after such plans, sections, drawings and particulars have been furnished to the

commission, the commission shall give notice to the appropriate undertakers that, in consequence of the nature of the authorised work, it is reasonably necessary that the commission should construct any part of the work themselves, then, if it is agreed or determined that it is so necessary that the commission should construct that part of the work and the appropriate undertakers desire that part of the work to be constructed, the commission shall construct it with all reasonable dispatch on behalf of, and to the reasonable satisfaction of, the appropriate undertakers in accordance with the plans, sections, drawings and particulars approved or deemed to be approved or settled as aforesaid (hereafter in this section called "the approved plans") and under the supervision (if given) of the appropriate undertakers, and the reasonable cost of so doing shall be repaid by the appropriate undertakers to the commission:

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Provided that, in the event of the commission not proceeding with, or completing, the construction of such part of the work with reasonable dispatch and to the reasonable satisfaction of the appropriate undertakers, the appropriate undertakers may, after giving not less than twenty-eight days' notice to the commission's engineer, themselves proceed with, or complete, the construction of such part of the work:

- (5) Upon signifying his approval or disapproval of the plans, sections, drawings and particulars, the commission's engineer may specify any temporary or permanent protective works which should be carried out before the commencement of the construction of any of the authorised works in order reasonably to ensure the stability of, and to protect, the railways and railway works of the commission from injury, and such protective works as may be reasonably necessary for those purposes shall be constructed by the commission with all reasonable dispatch, and the reasonable cost of constructing such protective works shall be repaid by the appropriate undertakers to the commission, and if and so long as such protective works are constructed by the commission with all such reasonable dispatch, the appropriate undertakers shall not commence the construction of the authorised work until the commission's engineer shall have notified the appropriate undertakers that such protective works have been completed:
- (6) The appropriate undertakers shall, except in cases of emergency, give to the commission's engineer not less

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—cont.

than twenty-eight days' notice of their intention to commence the construction of any of the authorised works:

- (7) The construction of any of the authorised works (or so much thereof as shall be carried out by the appropriate undertakers) shall, when commenced, be carried out in accordance with the approved plans and under the supervision (if given), and to the reasonable satisfaction, of the commission's engineer, and in such manner, and with such reasonable dispatch, as to cause as little damage as may be to railway lands, and as little interference with, or delay or interruption to, the conduct of traffic on the railways of the commission as may be, and if any damage to railway lands or any such interference, delay or interruption shall be caused by the construction by the appropriate undertakers of any of the authorised works, the appropriate undertakers shall, notwithstanding any such approval as aforesaid, forthwith make good such damage and pay to the commission the reasonable costs and expenses to which they may be put, and reasonable compensation for any loss which they may sustain, by reason of any such damage, interference, delay or interruption:

Provided that nothing in this paragraph shall impose any liability on the appropriate undertakers with respect to any damage, costs, expenses or loss which may be attributable to the act, neglect or default of the commission or of any person in their employ or of their contractors or agents:

- (8) The appropriate undertakers shall at all times afford reasonable facilities to the commission's engineer for access to the authorised works during their construction, and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (9) The commission shall at all times afford reasonable facilities to the appropriate undertakers, or their respective engineers or other duly authorised representatives, for access to any works carried out by the commission under this section during their construction, and shall supply the appropriate undertakers with all such information as they may reasonably require with regard to such works or the method of construction thereof:
- (10) The appropriate undertakers shall repay to the commission all costs, charges and expenses reasonably incurred by the commission—

(a) in respect of the employment of inspectors, signalmen, watchmen and other persons whom it

may be reasonably necessary to appoint for inspecting, signalling, watching and lighting any of the railways of the commission which may be affected by the construction or maintenance of any of the authorised works and for preventing, so far as may be reasonably practicable, any interference, obstruction, danger or accident arising from the construction or maintenance of the authorised works;

(b) in respect of any special traffic working resulting from any speed restrictions which may be imposed, or from any substitution or diversion of services which may be made, in consequence of the construction of the authorised works; and

(c) in respect of the provision of additional lighting of the railways of the commission in the vicinity of any of the authorised works, being lighting made reasonably necessary by reason of the construction or maintenance of that work:

(11) The appropriate undertakers shall at all times after the construction of the authorised works maintain them in substantial repair and good order and condition, and, when necessary, renew them to the reasonable satisfaction, and under the supervision (if given), of the commission's engineer, and, if and whenever it is agreed or determined that the appropriate undertakers have failed to do so after reasonable notice in that behalf, the commission may make and do, in and upon the lands of the commission or of the appropriate undertakers, all such works and things as shall be requisite in that behalf, and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the appropriate undertakers:

(12) If any alterations or additions, either permanent or temporary, to the railways or railway works of the commission are reasonably necessary during the construction of any of the authorised works, and a period of twelve months after the completion thereof, in consequence of the construction of that work, such alterations or additions may be effected by the commission after not less than twenty-eight days' notice has been given to the appropriate undertakers, and the appropriate undertakers shall repay to the commission the reasonable cost thereof, including a capitalised sum representing the increased or additional cost of maintaining, working and, when necessary, renewing any such alterations or additions:

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(13) (a) (i) Any additional expenses which the commission may reasonably incur, in carrying out, on any land owned by the commission at the passing of this Act, any work authorised by any enactment in force at the passing of this Act for the widening, altering, reconstructing or maintaining of any railway or railway works, being additional expenses so incurred by reason of the existence of the authorised works, shall be repaid by the appropriate undertakers to the commission;

(ii) Before commencing any work of widening, alteration, reconstruction or maintenance to which this paragraph applies the commission shall give to the appropriate undertakers twenty-eight days' notice specifying the work, and the additional expenses estimated to be incurred as aforesaid in connection therewith;

(b) If, for the purpose of carrying out, on any land owned by the commission at the passing of this Act, any work for the widening, alteration, reconstruction or maintenance of any railway, the commission shall at any time reasonably require any part of the aqueducts or lines of pipes (Works Nos. 10, 12 or 22) to be diverted or altered—

(i) the commission shall give notice of such requirement to the appropriate undertakers together with plans, sections, drawings and particulars of the diversion or alteration which they propose;

(ii) any diversion or alteration of any of the Works Nos. 10, 12 or 22 which may be agreed or determined to be reasonably required for the purpose aforesaid shall be carried out in accordance with such plans, sections, drawings and particulars as may be agreed between the appropriate undertakers and the commission or, if not so agreed within twenty-eight days of the date on which it is so agreed or determined that the diversion or alteration of any of the said works is reasonably required, as may be settled by arbitration;

(iii) the commission shall afford to the appropriate undertakers the necessary facilities and rights for the construction of any such diversion or alteration of any of the said works in accordance with the plans, sections, drawings and particulars so agreed or settled by arbitration, and the appropriate undertakers shall proceed with all reasonable dispatch to carry out the same in such manner as shall be agreed, or determined by arbitration, to be necessary to facilitate the widening, alteration, or reconstruction of the railway:

Provided that, if the commission shall give notice to the appropriate undertakers, before the appropriate undertakers shall have commenced the construction of any such diversion or alteration of any of the said works, that, in consequence of the nature of those works, it is reasonably necessary that the commission should themselves construct any part thereof, the commission shall construct the same on behalf and at the expense of the appropriate undertakers in accordance with the plans, sections, drawings and particulars so agreed or settled by arbitration:

- (14) Before providing any illumination for the purposes of the construction or maintenance of any of the authorised works the appropriate undertakers shall consult with the commission and shall comply with any reasonable requirements of the commission in regard thereto:
- (15) The appropriate undertakers shall be responsible for, and make good to the commission, all costs, charges, damages and expenses not otherwise provided for in this section which may be occasioned to the commission—

(a) by reason of any leakage, bursting or failure of any of the authorised works; or

(b) by reason of any act or omission of the appropriate undertakers or of any persons in their employ or of their contractors or others whilst engaged upon the construction or maintenance of the authorised works or upon the construction or maintenance of the Diddington Reservoir (Work No. 1);

and the appropriate undertakers shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of, or in connection with, any such leakage, bursting or failure or act or omission as aforesaid, and the fact that any work or thing may have been done by the commission on behalf of the appropriate undertakers, or in accordance with any plan, section, drawings or particulars approved by the commission's engineer, or in accordance with any requirement of the commission's engineer, shall not (if it was done without negligence on the part of the commission or of any person in their employ or of their contractors or others whilst engaged upon the work or thing) excuse the appropriate undertakers from any liability under the provisions of this paragraph:

Provided that the commission shall give to the appropriate undertakers reasonable notice of any claim or demand as aforesaid, and no settlement or compromise thereof shall be made without the prior consent of the appropriate undertakers:

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- (16) Any difference which may arise between the appropriate undertakers and the commission under this section (other than a difference as to the construction thereof) shall be determined by a single arbitrator to be agreed upon between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

For protection
of Great Ouse
River Board.

135. For the protection of the river board the following provisions shall, unless otherwise agreed in writing between the appropriate undertakers and the river board, apply and have effect:—

- (1) In this section—

“alter” includes renew and enlarge and “alteration” shall be construed accordingly;

“appropriate undertakers” means in relation to any authorised work the Board, the Luton Company, or the North Bedfordshire Board (as the case may be) by whom the authorised work has been or will be constructed;

“authorised work” means the intake and the diversion channel forming part of Work No. 2 and any subsidiary works carried out for the purposes thereof, or in connection therewith, and so much of any aqueduct or line or lines of pipes authorised by this Act and of any subsidiary works carried out for the purposes thereof, or in connection therewith, as will be situate in, over, or under any specified watercourse or within twenty-five feet therefrom;

“banks” and “watercourse” have the meanings respectively assigned to those expressions by the Land Drainage Act, 1930;

“specified watercourse” has the meaning assigned to that expression by paragraph (2) of this section:

- (2) (a) Not less than two months before commencing the construction or alteration of any of the aqueducts or lines of pipes (Works Nos. 4, 7, 10, 11, 12, 15, 17, 22, 23, 24 and 27) or any subsidiary works to be carried out for the purposes thereof, or in connection therewith, so far as such subsidiary works are to be constructed in, over or under a watercourse or within twenty-five feet therefrom, the appropriate undertakers shall furnish to the river board a map on a scale of not less than one inch to one mile showing so much of the proposed work as will be situate in the Great Ouse River Board Area;

- (b) The river board shall, within twenty-eight days from the receipt of any such map, specify, by notice in writing to the appropriate undertakers, any watercourse affected by the proposed work in relation to which the submission of plans, sections and particulars of the work under paragraph (6) of this section is required, and any watercourse affected by a work in relation to which it is agreed between the appropriate undertakers and the river board, or determined by arbitration, that the submission of plans, sections and particulars as aforesaid is reasonably required shall be a specified watercourse for the purposes of this section:
- (3) In the construction or alteration of an authorised work the appropriate undertakers shall not diminish the depth or width between the banks of any specified watercourse, except with the consent of the river board, which consent shall not be unreasonably withheld:
- (4) Except with the consent of the river board, which consent shall not be unreasonably withheld, the appropriate undertakers shall not construct or alter an authorised work in, over or under any specified watercourse in such manner as to obstruct or interrupt the free flow of water (including flood water) in the specified watercourse:
- (5) If notice in writing is served on the river board by the appropriate undertakers requesting the river board to give their consent under paragraph (3) or paragraph (4) of this section and the river board do not within twenty-eight days after the receipt of the notice give or refuse their consent, the river board shall, for the purposes of the said paragraph (3) or the said paragraph (4) (as the case may be), be deemed to have given their consent:
- (6) (a) Before commencing to construct or alter an authorised work the appropriate undertakers shall submit to the river board for their reasonable approval plans, sections and particulars thereof;
- (b) If within twenty-eight days after the submission to them of such plans, sections or particulars the river board do not signify in writing to the appropriate undertakers their disapproval thereof, they shall be deemed to have approved thereof:
- (7) An authorised work shall not be constructed or altered otherwise than in accordance with such plans, sections and particulars as shall have been approved (or are deemed to have been approved) by the river board, or (if disapproved) as shall be settled by arbitration:

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- (8) An authorised work shall be constructed or altered (as the case may be) to the reasonable satisfaction of the river board, and the appropriate undertakers shall afford to the engineer to the river board, or his duly authorised representative, access to an authorised work at all reasonable times during the construction or alteration thereof for the purpose of inspection, and shall comply with any reasonable directions given by such engineer or representative in reference to any works executed within the confines of a specified watercourse:
- (9) (a) In the construction, alteration or repair of an authorised work the appropriate undertakers shall take all reasonable precautions to prevent interference with the flow of water in, into, through or out of any specified watercourse and to prevent the deposit from any work of the appropriate undertakers of any solid matter in any specified watercourse;
- (b) At any time during or after the construction, alteration or repair of an authorised work, as and when they may be reasonably requested in writing to do so by the river board, the appropriate undertakers shall remove with all reasonable dispatch any accumulation of debris or other material which is caused by the construction, alteration or repair of the authorised work, or the existence of that work, and which interferes with the free flow of water in any specified watercourse:
- (10) The appropriate undertakers shall give not less than twenty-eight days' notice in writing to the river board before commencing to construct or alter an authorised work:
- (11) If, by reason or in consequence of the construction or alteration of an authorised work, or the leaking or failure of any such work, the channel or banks of a specified watercourse shall at any time be damaged, such damage shall be made good by the appropriate undertakers to the reasonable satisfaction of the river board, and, if within such reasonable time as may be required after receiving notice thereof the appropriate undertakers fail to make good such damage, the river board may make good the same and recover from the appropriate undertakers the costs and expenses reasonably incurred by them in so doing:
- (12) The fact that any work or thing has been executed or done in accordance with a plan approved, or not objected to, by the river board or to their satisfaction, or in

accordance with any directions or award of an arbitrator, shall not relieve the appropriate undertakers from any liability under the provisions of paragraph (11) of this section:

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- (13) Any difference which may arise between the appropriate undertakers and the river board under this section (other than a difference as to the construction thereof) shall be determined by arbitration.

136. For the protection of the Nene River Board the following provisions shall, unless otherwise agreed in writing between the appropriate undertakers and the Nene River Board, apply and have effect:—

For
protection of
Nene
River Board.

- (1) In this section—

“alter” includes renew and enlarge and
“alteration” shall be construed accordingly;

“appropriate undertakers” means—

(a) in relation to the aqueduct or line or lines of pipes (Work No. 10), and in relation to any diversion or alteration of the course of a watercourse under section 54 (Power to divert rivers, streams, etc.) of this Act, the Board; and

(b) in relation to the aqueduct or line or lines of pipes (Work No. 26), the Mid-Northamptonshire Board;

“authorised work” means—

(a) so much of the said Works Nos. 10 and 26, and of any subsidiary works carried out for the purposes thereof, or in connection therewith, as may be constructed in, over or under a specified watercourse; and

(b) any diversion or alteration of the course of a specified watercourse under the said section 54;

“specified watercourse” has the meaning assigned to that expression by paragraph (2) of this section;

“watercourse” has the meaning assigned to that expression by the Land Drainage Act, 1930:

- (2) (a) Not less than two months before commencing the construction or alteration of either of the aqueducts or lines of pipes (Works Nos. 10 and 26) or any subsidiary works to be carried out for the purposes thereof, or in connection therewith, so far as such subsidiary works are to be constructed in, over or under a watercourse,

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the appropriate undertakers shall furnish to the Nene River Board a map on a scale of not less than one inch to one mile showing so much of the proposed work as will be situate in the Nene River Board Area;

- (b) The Nene River Board shall within twenty-eight days from the receipt of any such map, by notice in writing to the appropriate undertakers, specify any watercourse affected by the proposed work in relation to which the submission of plans, sections and particulars of the work under paragraph (5) of this section is required, and any watercourse affected by a work in relation to which it is agreed between the appropriate undertakers and the river board, or determined by arbitration, that the submission of plans, sections and particulars as aforesaid is reasonably required shall be a specified watercourse for the purposes of this section:
- (3) Except with the consent of the Nene River Board, which consent shall not be unreasonably withheld, the appropriate undertakers shall not construct or alter any authorised work in such manner as to obstruct or interrupt the free flow of water (including flood water) in the specified watercourse:
- (4) If notice in writing is served on the Nene River Board by the appropriate undertakers requesting the Nene River Board to give their consent under paragraph (3) of this section and they do not within twenty-eight days after the receipt of the notice give or refuse their consent, the Nene River Board shall, for the purposes of the said paragraph (3), be deemed to have given their consent:
- (5) (a) Before commencing the construction or alteration of an authorised work the appropriate undertakers shall submit to the Nene River Board for their reasonable approval, such plans, sections and particulars thereof as may be reasonably required;
- (b) If the Nene River Board do not, within twenty-eight days after the submission to them of such plans, sections or particulars, signify to the appropriate undertakers in writing their approval or disapproval thereof, they shall be deemed to have approved thereof:
- (6) An authorised work shall not be constructed or altered otherwise than in accordance with such plans, sections and particulars as shall have been approved (or are deemed to have been approved) by the Nene River Board, or (if disapproved) as shall be settled by arbitration:

- (7) An authorised work shall be constructed or altered (as the case may be) to the reasonable satisfaction of the Nene River Board, and the appropriate undertakers shall afford to the engineer of the Nene River Board, or his duly authorised representative, access to an authorised work at all reasonable times during the construction or alteration thereof for the purposes of supervision and inspection:
- (8) The construction or alteration of an authorised work shall, when commenced, be completed with all reasonable dispatch:
- (9) On the completion of the construction or alteration of an authorised work the appropriate undertakers shall remove all temporary works placed by them in the specified watercourse:
- (10) If, by reason or in consequence of the construction or alteration of an authorised work, or the leaking or failure of any such work, the channel or banks of a specified watercourse shall at any time be damaged, such damage shall be made good by the appropriate undertakers to the reasonable satisfaction of the Nene River Board, and if, within such reasonable time as may be required after receiving notice thereof, the appropriate undertakers fail to make good such damage, the Nene River Board may make good the same and recover from the appropriate undertakers the costs and expenses reasonably incurred by them in so doing:
- (11) Any difference which may arise between the appropriate undertakers and the Nene River Board under this section (other than a difference as to the construction thereof) shall be determined by arbitration.

137. For the protection of the Lee Conservancy Catchment Board (hereafter in this section referred to as "the catchment board") the following provisions shall, unless otherwise agreed in writing between the Luton Company and the catchment board, apply and have effect:—

For
protection of
Lee
Conservancy
Catchment
Board.

(1) In this section,—

"alter" includes renew and enlarge, and
"alteration" shall be construed accordingly;

"authorised work" means so much of the aqueduct or line or lines of pipes (Work No. 23) and of any subsidiary works carried out for the purposes thereof, or in connection therewith, as may be constructed in, over or under a specified watercourse;

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—cont.

“banks” has the meaning assigned to that expression by the Land Drainage Act, 1930;

“specified watercourse” means the streams known as Houghton Brook and Lewsey Brook within the Lee Catchment Area as determined under the Land Drainage Act, 1930:

- (2) In the construction or alteration of an authorised work the Luton Company shall not diminish the depth or width between the banks of any specified watercourse except with the consent of the catchment board, which consent shall not be unreasonably withheld or delayed:
- (3) Except with the consent of the catchment board, which consent shall not be unreasonably withheld or delayed, the Luton Company shall not construct or alter an authorised work in such manner as to obstruct or interfere with the free flow of water in, into or out of such watercourse:
- (4) (a) Before commencing to construct or alter an authorised work the Luton Company shall submit to the catchment board, for their reasonable approval in respect of any matters with which the catchment board are properly concerned, such plans, sections and particulars thereof as may be reasonably required by the catchment board;
(b) If the catchment board do not, within twenty-eight days after the submission to them of such plans, sections or particulars, signify to the Luton Company in writing their approval or disapproval thereof, they shall be deemed to have approved thereof:
- (5) An authorised work shall not be constructed or altered otherwise than in accordance with the plans, sections and particulars approved (or deemed to have been approved) by the catchment board, or (if disapproved) settled by arbitration:
- (6) An authorised work shall be constructed or altered (as the case may be) to the reasonable satisfaction of the catchment board, and the Luton Company shall afford to the engineer of the catchment board, or his duly authorised representative, access to an authorised work at all reasonable times during the construction or alteration thereof for the purpose of inspection:
- (7) The construction or alteration of an authorised work shall, when commenced, be completed with all reasonable dispatch:

- (8) Any difference which may arise between the catchment board and the Luton Company under this section (other than a difference as to the construction thereof) shall be determined by arbitration.

PART XIII
—cont.

138. For the protection of each of the specified boards referred to in paragraph (1) of this section the following provisions shall, unless otherwise agreed in writing between the appropriate undertakers and the specified board concerned, apply and have effect:—

For protection of electricity boards and gas boards.

(1) In this section—

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electricity Supply Acts, 1882 to 1936) belonging to, or lawfully laid or erected by, the specified board, being one of the electricity boards;

(b) any apparatus belonging to the specified board, being one of the gas boards, or for the maintenance of which such specified board is responsible;

(not being in any such case apparatus in respect of which the relations between the appropriate undertakers and the specified board are regulated by the provisions of section 26 of the Public Utilities Street Works Act, 1950), and includes any structure or works constructed for the lodging therein of apparatus;

“ appropriate undertakers ” means, in relation to any authorised work, the Board, the Lee Valley Company, the Luton Company, the Mid-Northamptonshire Board or the North Bedfordshire Board (as the case may be), by whom the authorised work has been, or will be, constructed, and in relation to any exercise of the powers of this Act, that one of those authorities by whom the powers in question are, or have been, exercised;

“ authorised work ” means—

(a) in relation to each of the electricity boards, a work agreed or determined to be an authorised work under the provisions of paragraph (2) of this section; and

(b) in relation to each of the gas boards, so much of the works authorised by this Act and any subsidiary works carried out for the purpose of

PART XIII
—cont.

any of those works, or in connection therewith, as may affect any apparatus (not being works to which section 26 of the Public Utilities Street Works Act, 1950, applies);

and includes all renewals and alterations of that work or those works;

“electricity boards” means the Central Electricity Generating Board, the Eastern Electricity Board and the East Midlands Electricity Board;

“gas boards” means the Eastern Gas Board and the East Midlands Gas Board;

“in” in a context referring to apparatus includes under, over, across, or upon;

“specified board” means the electricity boards and the gas boards, or any of them, and in relation to any apparatus means that one of those boards to whom the apparatus belongs, or that one of the electricity boards by whom it has been laid or erected, or that one of the gas boards who are responsible for its maintenance:

- (2) (a) Not less than two months before commencing the execution within the area of the specified board, being one of the electricity boards, of any of the works authorised by this Act (not being works to which section 26 of the Public Utilities Street Works Act, 1950, applies) the appropriate undertakers shall give to the specified board a map on a scale of not less than one inch to one mile showing so much of the proposed work as will be situate in the area of the specified board, and that, or any other specified board, shall, within twenty-eight days from the delivery of any such map, by notice to the appropriate undertakers, specify any apparatus which will be, or is likely to be, affected by the proposed work in relation to which the submission of a plan, section and description of the work or part thereof, is required under paragraph (5) of this section;
- (b) Where it is agreed between the appropriate undertakers and the specified board, or in default of agreement determined by arbitration, that the submission of a plan, section and description of any proposed work is reasonably required as aforesaid, that work shall be an authorised work for the purposes of this section:
- (3) Notwithstanding anything in this Act or shown on the deposited plans, the appropriate undertakers shall not,

except as provided in paragraph (15) of this section, acquire any apparatus under the powers of this Act otherwise than by agreement:

PART XIII
—cont.

- (4) Subject to the provisions of paragraph (15) of this section, if the appropriate undertakers, in the exercise of the powers of this Act, acquire any interest in any lands in which any apparatus is situated that apparatus shall not be removed under this section and any right of the specified board to maintain, repair, renew or inspect that apparatus in those lands shall not be extinguished, until alternative apparatus adequate to enable the specified board to fulfil their statutory functions in a manner not less efficient than previously shall have been constructed and brought into operation to the reasonable satisfaction of the specified board:
- (5) (a) Not less than twenty-eight days before commencing to execute any authorised work, the appropriate undertakers shall submit to the specified board a plan, section and description of the work to be executed and if, for the purpose of constructing the authorised work, the appropriate undertakers require the removal of any apparatus situated in lands in which, in the exercise of the powers of this Act, they acquire any interest, they shall also submit to the specified board notice of that requirement and a plan and section of the proposed position of such adequate alternative apparatus as is referred to in paragraph (4) of this section to be constructed in substitution for the apparatus to be removed;
- (b) Within fourteen days after the submission to them of a plan, section and description of the work to be executed, the specified board may give notice to the appropriate undertakers that they require any apparatus which may be affected by that work to be removed and, if it is agreed between the appropriate undertakers and the specified board, or failing agreement determined by arbitration, that the removal of the apparatus is reasonably required in consequence of the work proposed by the appropriate undertakers, the following provisions of this section shall have effect as if the removal of the apparatus had been required by the appropriate undertakers for the purpose of constructing the authorised work;
- (c) Unless the removal of all apparatus affected by the authorised work is required by the appropriate undertakers, the authorised work shall be executed only in accordance with the plan, section and description of the

PART XIII
—cont.

work submitted under sub-paragraph (a) of this paragraph and in accordance with such reasonable requirements as may be made by the specified board for the alteration or otherwise for the protection of the apparatus, or for securing access thereto, and the specified board shall be entitled by their officer to watch and inspect the execution of the work;

- (d) In case of emergency the appropriate undertakers shall not be required to comply with the provisions of sub-paragraph (a) of this paragraph relating to the submission of a plan, section and description of the work to be executed, but in that case they shall give to the specified board notice of the work as soon as reasonably practicable and a plan, section and description of the work as soon as reasonably practicable thereafter, and the provisions of sub-paragraphs (b) and (c) of this paragraph shall apply so far as is reasonably practicable in the circumstances:
- (6) If the appropriate undertakers require the removal of any apparatus, they shall afford to the specified board the necessary facilities and rights for the construction of such adequate alternative apparatus as is referred to in paragraph (4) of this section, and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that, if the appropriate undertakers are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus, or any part thereof, is to be constructed, the specified board shall, on receipt of a written notice to that effect from the appropriate undertakers, forthwith use their best endeavours to obtain the necessary facilities and rights:

- (7) Any alternative apparatus to be constructed in pursuance of this section shall be constructed in such manner, and in such line or situation, as may, subject to any terms and conditions affecting the facilities and rights obtained for the construction thereof, be agreed between the specified board and the appropriate undertakers or, failing agreement, determined by arbitration:
- (8) The specified board shall after such facilities and rights as are referred to in paragraph (6) of this section shall have been granted to, or obtained by, the specified board, proceed with all reasonable dispatch to construct the alternative apparatus in the manner and in the line or situation agreed or determined under paragraph (7) of

this section and to bring it into operation and thereafter to remove the apparatus for which the alternative apparatus has been substituted:

- (9) Notwithstanding anything in paragraph (8) of this section, if the appropriate undertakers give notice to the specified board that they desire themselves to execute any part of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus for which it is substituted, being a work which will be carried out in any lands in which, in the exercise of the powers of this Act, the appropriate undertakers acquire any interest, such work, instead of being executed by the specified board, shall be executed by the appropriate undertakers with all reasonable dispatch and under the superintendence (if given) and to the reasonable satisfaction of the specified board:

Provided that nothing in this paragraph shall authorise the appropriate undertakers to execute the placing, erection, installation, bedding, packing, removal, connection or disconnection of any apparatus or the filling around any apparatus (where the apparatus is laid in a trench) within twelve inches above the apparatus:

- (10) Where, in accordance with the provisions of this section, the appropriate undertakers afford to the specified board facilities and rights for the construction, maintenance, repair, renewal and inspection of alternative apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the appropriate undertakers and the specified board or, failing agreement, determined by arbitration:

Provided that—

(a) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across, through or near to any work authorised by this Act the arbitrator shall—

(i) give effect to all reasonable requirements of the appropriate undertakers for ensuring the safety and efficient operation of that work, and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with that work; and

(ii) so far as it may be reasonable and practicable to do so in the circumstances of the particular

PART XIII
—cont.

case, give effect to any terms and conditions applicable to the apparatus for which the alternative apparatus is to be substituted; and

(b) if the facilities and rights to be afforded by the appropriate undertakers in respect of any alternative apparatus, and the terms and conditions subject to which the same are to be granted, are in the opinion of the arbitrator less favourable on the whole to the specified board than the facilities, rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation by the appropriate undertakers to the specified board as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (11) Where in consequence of this Act any part of any road, bridleway or footpath, in which any apparatus belonging to, or laid or erected by, any of the electricity boards is situate, ceases to be part of a road, bridleway or footpath, that board may exercise the same rights of access to such apparatus, not being apparatus rendered derelict or unnecessary, as they enjoyed immediately before the passing of this Act, but nothing in this paragraph shall prejudice or affect any right of the appropriate undertakers, or of that board, to require removal of such apparatus under this section, or the power of the appropriate undertakers to execute works in accordance with paragraph (5) of this section:
- (12) Notwithstanding the stopping up or diversion temporarily of any highway under the powers of section 43 (Temporary stoppage of highways, etc.) of this Act, the specified board shall be at liberty at all times to execute and do all such works and things in, upon or under any such highway as may be necessary for inspecting, repairing, maintaining, renewing, or removing any apparatus which at the time of the stopping up or diversion was in that highway:
- (13) The appropriate undertakers shall repay to the specified board the reasonable costs, charges and expenses incurred by the specified board in, or in connection with,—
- (a) the inspection of apparatus which may be affected by any authorised work;
- (b) the removal or alteration of any apparatus and the provision and construction of such adequate alternative apparatus as is referred to in paragraph (4) of this section; and

(c) any subsequent alteration or adaptation of apparatus which may be required to prevent interference with any work authorised by this Act;

less the value of any apparatus which is removed in pursuance of the provisions of this section (such value being calculated after removal):

Provided that if alternative apparatus is constructed of a better type or of a greater capacity than the apparatus to be removed for which such alternative apparatus is substituted, the specified board shall, unless the construction of apparatus of a better type or of a greater capacity is reasonably necessary for the purpose of any authorised work and to meet the requirements of the appropriate undertakers, bear such proportion of the cost of providing and constructing such alternative apparatus as represents the amount by which such cost exceeds the cost which would have been incurred if the type or capacity of the alternative apparatus so constructed had been the same as those of the apparatus to be removed for which it is substituted:

(14) The appropriate undertakers shall also make compensation to the specified board—

(a) for any damage caused to any apparatus (other than apparatus which is rendered derelict or unnecessary and apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(b) for any other expenses, losses, damages, penalties or costs incurred by the specified board (otherwise than, in the case of any of the electricity boards, for the purposes of or in connection with the supply of electricity to the appropriate undertakers);

by reason or in consequence of the execution or maintenance, or any defect or failure, of any authorised work or otherwise by reason or in consequence of the exercise by the appropriate undertakers of the powers of this Act:

(15) Where by reason or in consequence of the exercise of the powers of this Act any apparatus belonging to the specified board is rendered derelict or unnecessary, the appropriate undertakers shall pay to the specified board the then value of such apparatus (which shall thereupon become the property of the appropriate undertakers)

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—cont.

and the reasonable cost of, and incidental to, the cutting-off of the apparatus from any other apparatus and the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of the apparatus being so rendered derelict or unnecessary:

Provided that the appropriate undertakers shall not under the provisions of this paragraph be required to pay to the specified board the value of any apparatus rendered derelict or unnecessary if, under the provisions of paragraphs (5) to (9) of this section, alternative apparatus shall, at the expense of the appropriate undertakers, have been constructed in substitution for the apparatus so rendered derelict or unnecessary:

- (16) Any difference which may arise between the appropriate undertakers and the specified board under this section (other than a difference as to the construction thereof) shall be determined by a single arbitrator to be agreed upon between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

PART XIV

GENERAL

Preservation
of amenities.

139—(1) In the construction of Works Nos. 1 to 9 the Board shall have regard—

- (a) to the preservation for the public of the natural beauty of the area in which those works are situate and the enjoyment of the area by the public; and
- (b) to the conservation of flora and fauna and geological or physiographical features in the area of special scientific interest.

(2) For the purpose of the foregoing provisions of this section, the Board shall appoint a landscape consultant to advise them in connection with their duties under paragraph (a) of subsection (1) of this section.

Payments to
Great Ouse
River Board
for preservation
of amenities of
river Great
Ouse.

140. Whereas the taking of water by the Board from the river Great Ouse under the powers of section 47 (Power to take water from river Great Ouse) of this Act may affect boating, fishing and other amenities now enjoyed by the public in the river, or the interests of persons who provide facilities for the enjoyment

of such amenities, and it is expedient that payments should be made by the Board to the river board so as to facilitate the carrying out by the river board of such dredging operations in the river Great Ouse between the lock at St. Neots and Brownhill Staunch, and such works and operations for the benefit of fisheries in the said river, or otherwise for the improvement of the said river, between those points, as may appear to the river board to be necessary or desirable:

PART XIV
—cont.

Now therefore the following provisions shall have effect:—

- (1) The Board shall pay to the river board in any year before the year commencing on the first day of April, nineteen hundred and sixty-four, such sum as may be agreed between the Board and the river board, and in the year commencing on the said first day of April, nineteen hundred and sixty-four, and, subject to the provisions of paragraph (2) of this section, in each year thereafter, the sum of six hundred pounds, or such greater sum as shall from time to time be agreed between the Board and the river board:
- (2) (a) No sum shall be payable by the Board under this section in any year after the expiration of the period of five years commencing on the said first day of April, nineteen hundred and sixty-four, or in any year after the expiration of any such subsequent period as is described in sub-paragraph (b) of this paragraph, until the river board shall have shown to the reasonable satisfaction of the Board that the sums paid by the Board in that period under this section have been expended by the river board, or are expected to be so expended within such reasonable time as may be required, in, or in connection with, the carrying out of such dredging operations or such works or operations for the benefit of fisheries, or the improvement of the river, as aforesaid, or in such other manner as may from time to time be agreed in writing between the Board and the river board;
- (b) A subsequent period mentioned in sub-paragraph (a) of this paragraph shall be a period of five years commencing on the fifth anniversary of the said first day of April, nineteen hundred and sixty-four, or, if no sum is payable under this section in any year, commencing at the date of the commencement of the year in which a sum again becomes so payable, or the fifth anniversary of that date, as the case may be:

PART XIV
—cont.

- (3) Except as provided in paragraph (2) of this section, a sum payable in any year under this section shall be paid by the Board to the river board within three months from the commencement of the year in which it is payable:
- (4) The river board shall not, by reason of the fact that any sum is paid to them by the Board under this section so as to facilitate the carrying out of dredging operations or other works or operations for the benefit of fisheries, or the improvement of the river, be deemed to act as agents of the Board in the carrying out of any such dredging operations or works or operations as aforesaid:
- (5) If at any time after the passing of this Act the provisions of this Act relating to the taking of water by the Board from the river Great Ouse are varied, or the Board are by any enactment required to make payment for any water taken by them from the river Great Ouse under the powers of this Act, the provisions of this section relating to the payment of sums by the Board may be varied in such manner as may be agreed between the Board and the river board or, if a proposal made by the Board for variation of the said provisions of this section is not agreed by the river board, as may be determined by the Minister by an order made under the Water Acts, 1945 to 1958, or by any other enactment.

Payments to
Huntingdon-
shire County
Council in
respect of
road works.

141.—(1) The Board shall pay to the Huntingdonshire County Council such reasonable contributions as may be agreed between the Board and the county council or, failing agreement, determined under the provisions of subsection (2) of this section, in respect of any costs and expenses which may be incurred by the county council in carrying out such works for the construction or improvement of roads as may be previously agreed or determined as aforesaid to be necessary or expedient in consequence of the construction of the Diddington Reservoir (Work No. 1).

(2) Any question or difference arising between the Board and the Huntingdonshire County Council under this section shall be referred to the Minister of Transport and the said Minister may determine it himself, or, if he thinks fit, refer it for determination by an arbitrator appointed by him.

Provision of
car parks, etc.

142.—(1) The Board may, upon any land held by them in the vicinity of the Diddington Reservoir (Work No. 1), provide, maintain and manage car parks, shelters, cloakrooms and lavatories, with all necessary buildings, conveniences and appurtenances, and all such other facilities as they think fit for the accommodation or convenience of persons visiting the reservoir.

(2) The Board may demand and take such reasonable charges as they think fit from any person using any facilities provided under this section.

PART XIV
—cont.

(3) For the purpose of subsection (1) of this section, section 271 of the Public Health Act, 1936, shall apply as if references in that section to a council or to that Act included references to the Board or to this section.

143.—(1) The Board may provide facilities on Diddington Reservoir (Work No. 1) for the purposes of such forms of recreation for the public as they may think fit.

Provision of
facilities for
recreation on
Diddington
Reservoir.

(2) For the purposes aforesaid the Board may set apart any land held by them, and may provide and maintain such buildings and other works and do such other things as may be necessary or expedient.

(3) The Board may demand and take such reasonable charges as they think fit from any person using any facilities provided by the Board under this section or using Diddington Reservoir (Work No. 1) for the purposes of recreation.

(4) The Board may either—

(a) themselves, manage any land set apart and any buildings and works provided under this section; or

(b) let them, or any part thereof, for such consideration and on such terms and conditions as they think fit.

(5) For the purposes of subsections (1) and (2) of this section, section 271 of the Public Health Act, 1936, shall apply as if references in that section to a council or to that Act included references to the Board or to this section.

(6) (a) The Board may make byelaws with respect to the use of any facilities provided under this section, or the use of the Diddington Reservoir (Work No. 1) for the purposes of recreation, for all or any of the following purposes:—

(i) regulating sailing, boating, motor-boating, water ski-ing and fishing on or in the reservoir, and other forms of recreation with respect to the reservoir;

(ii) requiring the registration of boats kept for use, or used on the reservoir;

PART XIV
—cont.

(iii) preventing the passing into the waters of the reservoir of any sewage or other offensive or injurious matter, whether solid or fluid;

(iv) requiring the provision of such sanitary appliances as may be necessary for the purpose of preventing pollution.

(b) Section 19 (other than paragraph (b) of subsection (6) thereof) and section 20 of the Act of 1945 shall apply to byelaws made under paragraph (a) of this subsection, and such byelaws shall, for the purposes of the said provisions of the Act of 1945, be deemed to be byelaws under section 17 of that Act.

(c) Nothing in this subsection shall prejudice or affect the right of the Board to make byelaws under section 18 of the Act of 1945.

Saving for town and country planning.

144. 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 powers of Treasury.

145. It shall not be lawful to exercise the powers of borrowing or raising capital conferred by 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.

Settlement of disputes.

146. Except as otherwise expressly provided in this Act, any dispute or difference arising in connection with the provisions of this Act between the Board and the water authorities, or any one or more of them, or between any one or more of the water authorities and any other or others of them, shall, unless otherwise agreed between the parties to such dispute or difference, be referred to the Minister, and the Minister may determine the dispute or difference himself or, if he thinks fit, refer it for determination by an arbitrator appointed by him.

Costs of Act.

147.—(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, 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 Bedfordshire County Council out of their county fund, but shall be repaid to them by the Board within six months from the first meeting of the Board out of moneys to be borrowed by the Board under the powers of this Act.

(2) The Board shall pay to the Bedfordshire County Council interest on the amount of the said costs, charges and expenses at the rate of interest from time to time fixed by the Treasury under the Public Works Loans Act, 1897, for loans to local authorities for the period of five years.

PART XIV
—cont.

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

SCHEDULES

FIRST SCHEDULE

Section 16.

RULES AS TO MEETINGS AND PROCEEDINGS OF BOARD

1.—(1) The first meeting of the Board shall be the annual meeting for the year current at the passing of this Act, and thereafter the first meeting after the first day of July in any year shall be the annual meeting.

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

2.—(1) The Board shall, at their annual meeting in each year, 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 in each year, 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 election 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 elected under this rule to fill a casual vacancy shall hold office during the pleasure of the Board, or until the date upon which the person in whose place he is elected would ordinarily 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 at least five members of the Board representing at least three constituent authorities, 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 five members of the Board representing at least three constituent authorities may forthwith call a meeting of the Board.

1st Sch.
—cont.

- (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 (or in the case of the first meeting of the Board at the place fixed for that meeting), and, where the meeting 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 (or, in the case of the first meeting of the Board, the clerk of the Bedfordshire County Council), shall be left at, or sent by post to, the usual place of residence of every member of the Board:

Provided that—

- (i) want of service of the summons on any member of the Board shall not affect the validity of a meeting;
- (ii) no business shall be transacted at a meeting called by members of the Board other than that specified in the notice thereof.

6. No business shall be transacted at a meeting of the Board unless at least five members of the Board, or their deputies, are present and at least three constituent authorities are represented thereat.

7. A copy of the minutes of proceedings at every meeting of the Board shall be sent to the clerk or secretary (as the case may be) of each of the constituent authorities within fourteen days after the date of the meeting.

8. The provisions of paragraphs 1 to 5 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.

SECOND SCHEDULE

PROVISIONS OF THIRD SCHEDULE APPLIED TO UNDERTAKING OF GREAT OUSE WATER AUTHORITY Section 19.

Provisions applied (1)	Modifications (2)
Section 3 (Limit on powers of undertakers to take water)	—
Section 4 (General power to construct subsidiary works)	—

2ND SCH.
—cont.

Provisions applied (1)	Modifications (2)
Section 5 (Power of undertakers to lay or erect telephone wires &c.)	—
Section 6 (Penalty for obstructing construction of works)	—
Section 8 (Persons under disability may grant easements &c.)	—
Part IV (Minerals Underlying Water-works)	In section 12, for the words “ after this section is incorporated with their enactments ” there shall be substituted the words “ under the special Act ”; for the words “ all existing pipes or other conduits for the collection, passage or distribution of water and underground works belonging to them ” there shall be substituted the words “ all such pipes or other conduits or underground works ”; and the words “ for the time being belonging to them ” shall be omitted.
Section 19 (Power to lay mains)	—
Section 20 (Conditions as to laying mains outside limits of supply)	—
Part VI (Breaking Open Streets, &c.)	—
Subsection (2) of section 65 (Penalties for misuse of water)	—
Section 66 (Penalty for fraudulent use of water)	In subsection (2), for the word “ consumer ” in both places where it occurs there shall be substituted the word “ person ”.
Section 67 (Penalty for interference with valves and apparatus)	The proviso shall be omitted.
Section 68 (Penalty for extension or alteration of pipes &c.)	The words “ or to a supply pipe or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe ” shall be omitted.
Section 70 (Meters, &c. to measure water or detect waste)	The words “ and service pipes ” shall be omitted.
Part XIV (Pollution of Water by Manufacture &c. of Gas)	—

Provisions applied (1)	Modifications (2)	2ND SCH. —cont.
Section 82 (Power to enter premises)	—	
Section 83 (Penalty for obstructing execution of special Act)	—	
Section 85 (Summary proceedings for offences)	—	
Section 86 (Continuing offences and penalties)	—	
Section 87 (Restriction on right to prosecute)	—	
Section 91 (Mode of reference to arbitration)	—	
Section 92 (Liability of undertakers to pay compensation)	—	
Section 93 (Protection for works of navigation authorities and for catchment boards and railways)	—	
Section 94 (Copies of special Act to be kept by undertakers in their office, and deposited with certain officers)	The words "supply or propose to supply water or" shall be omitted.	

THIRD SCHEDULE

PROVISIONS OF ACT OF 1933 APPLIED TO GREAT OUSE WATER AUTHORITY

Section 20.

Provisions applied	Subject-matter
Sections 58, 59, 63, 76, 95 and 96 ...	Members and meetings etc.
Sections 119 to 121 and 123 ...	Officers.
Sections 195 to 200 and 202 to 218	Borrowing.
Section 266	Contracts.
Section 267	Conferences.
Sections 276, 277 and 278	Legal proceedings.
Sections 287 to 289	Notices etc.

Section 87.

FOURTH 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 by a statutory borrowing power and repayable out of the revenues of the Board on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds may be cancelled by purchase in the open market or by agreement with the bondholder at a price not exceeding the market price then current and, if not so cancelled, shall be repayable at par at the place and on the dates specified in the certificates issued in respect of the bonds, and no interest shall be payable thereon in respect of any period after the date on which the bond is repayable.

4. (a) The Board shall keep a register of all persons who are holders for the time being of bonds.

(b) The register shall contain the following particulars:—

(i) the name, address and description of each holder, a statement of the denomination of the bonds held by him, the price at which and the periods for which they are issued, and the numbers and dates of the certificates issued to him as hereinafter provided;

(ii) the date of registration of each holder and the date on which he ceased to be so registered.

(c) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5. (a) The Board shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(b) If a certificate is worn out or damaged, the Board, on the production thereof, may cancel it and issue a new certificate in place thereof.

(c) If a certificate is lost or destroyed, the Board, on proof thereof to their satisfaction and, if they so require, on receiving an indemnity against any claims in respect thereof, may give a new certificate in place of the certificate lost or destroyed.

(d) An entry of the issue of a substituted certificate shall be made in the register.

(e) A certificate shall be in the following form, or in a form substantially to the like effect:—

No.

PER CENT. GREAT OUSE WATER AUTHORITY BOND

This is to certify that

of

is the registered holder of a bond for

pounds issued by the Great Ouse Water Authority under the Great Ouse Water Act, 1961, and repayable at par on the

day of

, nineteen

hundred and

at

The seal of the Great Ouse

Water Authority was here-

unto affixed in the presence

of

Clerk.

Date

6. The certificate shall be prima facie evidence of the title of the person therein named to the bond therein specified.

7. (a) The transfer of a bond shall be by deed in the following form, or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

PER CENT. GREAT OUSE WATER AUTHORITY BOND

I

in consideration of the sum of

paid by

(hereinafter called "the Transferee") do hereby assign and transfer to the Transferee

To hold unto the Transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof;

And I the Transferee do hereby agree to accept and take the said bond subject to the conditions aforesaid.

As witness our hands and seals this day of
nineteen hundred and

(b) A bond may be transferred, in whole or in part, so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Board.

(c) The deed of transfer shall be delivered to, and retained by, the Board, and the Board shall enter a note thereof in a book to be called "The Register of Transfers of Great Ouse Water Authority Bonds" and shall endorse on the deed of transfer a notice of that entry.

4TH SCH.
—cont.

(d) The Board shall, on receipt of the deed of transfer duly executed and properly stamped, together with the certificate issued in respect of the bond, enter the name of the transferee in the register, and shall issue a new certificate or certificates to the transferee, or to the transferor and transferee, as the case may require.

(e) Until the deed of transfer and the certificate have been delivered to the Board as aforesaid, the Board shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

8. (a) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder, or by any lawful means other than a transfer, may, by the production of such evidence of title as the Board may require, either be registered as holder of the bond or, instead of being himself registered, may make such transfer of the bond as the holder could have made, and the Board shall issue a certificate accordingly.

(b) Until such evidence as aforesaid has been produced, the Board shall not be affected by the transmission of the bond, and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(c) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The Board, before paying any interest on any bonds, may, if they think fit, require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

10. 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.

11. (a) If at any time any interest due on any bond remains unpaid for two months after demand in writing, the person entitled thereto may apply to the High Court for the appointment of a receiver and the court may, if it thinks fit, appoint a receiver on such terms as it thinks fit.

(b) The receiver shall have the like power of collecting, receiving, recovering and applying moneys and of assessing, making and recovering all rates for the purpose of obtaining the same as the Board, or any officer thereof, would or might have had, and such other powers and duties as the court thinks fit, and shall apply all moneys so collected and received, after paying all such costs as the court may direct, for the purposes for which he was appointed, and shall pay any balance remaining in his hands into the revenues of the Board.

FIFTH SCHEDULE

Section 103.

PART I

PROVISIONS OF THE THIRD SCHEDULE EXCEPTED FROM INCORPORATION
WITH PART IX OF THIS ACT APPLICABLE TO LUTON
WATER COMPANY

Section 2 (Permissible limits of deviation).

Section 7 (Power to acquire easements for underground works).

Section 10 (Provisions as to compensation water).

Subsection (1) of section 46 (Water rates).

Section 48 (Additional charges where water supplied for domestic purposes
and paid for by water rate is used for other purposes).

Subsections (1) and (2) of section 74 (Maximum rates of dividend).

PART II

MODIFICATIONS OF THE THIRD SCHEDULE AS INCORPORATED WITH
PART IX OF THIS ACT APPLICABLE TO LUTON
WATER COMPANY

Provision (1)	Modification (2)
Section 1 (Definitions &c.)	After the definition of the expression "a supply of water for domestic purposes" there shall be inserted the words "and 'domestic purposes' shall be construed accordingly".
Section 42 (Power of undertakers to require separate service pipes)	At the end of subsection (8) there shall be inserted the following words:— "or (d) the owner or occupier of any of the houses has caused or permitted interference with the existing service pipe or the stop-cock fixed thereto in such a way as to interrupt the supply of water to any other house supplied by such existing service pipe."
Section 46 (Water rates)	In subsections (2) and (3), after the words "For the purposes of" there shall be inserted the words "section 104 (Luton water rates and charges) of the Great Ouse Water Act, 1961".

5TH SCH.
—cont.

Provision (1)	Modification (2)
Section 49 (Power to require supply to certain premises and for certain purposes to be taken by meter)	In subsection (3), for the words "annual charge equal to" there shall be substituted the words "quarterly charge equal to one-fourth of".
Section 50 (Power to require supplies for refrigerating or water-softening apparatus &c. to be taken by meter)	At the end of the section there shall be inserted the following subsection:— " (2) Any sum charged under the provisions of this section shall be recoverable in the manner in which water rates are recoverable."
Section 51 (Power to require supply for hosepipe to be taken by meter in certain cases)	After the words "or other similar apparatus" there shall be inserted the words "(not being a sprinkler or a sprinkler hose)" and after the word "garden" there shall be inserted the words "(not exceeding three-quarters of an acre in area)".
Section 54 (Water rates on certain houses may be demanded from owners)	(1) In subsection (1), for the words "has a net annual value not exceeding thirteen pounds" there shall be substituted the words "is let on a weekly or monthly tenancy or for any term less than a quarter of a year or has a net annual value not exceeding eighteen pounds". (2) The proviso to the said subsection shall be omitted.
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 an officer of the undertakers duly authorised in that behalf".
Section 64 (Penalty for waste &c. of water by non-repair of fittings)	The modification set out in the schedule to the Local Government (Miscellaneous Provisions) Act, 1953.
Section 75 (Sale of stock by auction or tender)	The word "stock" shall include shares.
Section 76 (Reserve and contingency funds)	(1) In subsection (4), for the words "twelve and a half" there shall be substituted the word "twenty". (2) In subsection (5), for the words "one and a quarter" there shall be substituted the word "two".

Provision (1)	Modification (2)
Section 77 (Limitation on balance carried forward at end of year)	<p>In subsection (1), after paragraph (c) there shall be inserted the following paragraph:—</p> <p>“ and (d) an amount equal to the total sum which the undertakers will be required to pay during the next following year to the Great Ouse Water Authority in pursuance of sections 69 to 76 of the Great Ouse Water Act, 1961, or in respect of revenue charges payable by the undertakers under any future enactment relating to any new works of the Great Ouse Water Authority.”</p>
Section 78 (Power to pay superannuation and other allowances &c. and to assist research)	<p>(1) In subsection (1)--</p> <p>(a) after the word “ allowances ” in paragraph (a) there shall be inserted the words “ or make such other reasonable payments as they may think fit ”;</p> <p>(b) after the word “ establish ” in paragraph (b) there shall be inserted the words “ and from time to time modify alter or rescind ”;</p> <p>(c) for the words “ or allowances ” in paragraph (c) there shall be substituted the words “ allowances or payments ”.</p> <p>(2) At the end of subsection (2) there shall be inserted the following subsection:—</p> <p>“ (2A) No modification alteration or rescission of any contributory superannuation scheme established under paragraph (b) of subsection (1) of this section shall place any employee who at the date of such modification alteration or rescission is entitled or is qualifying for entitlement to participate in the benefits of such scheme to a superannuation allowance in a worse position than he would have been if such modification alteration or rescission had not been made.”</p>

5TH SCH.
—cont.

Provision (1)	Modification (2)
Section 82 (Power to enter premises)	<p>(3) At the end of the section there shall be inserted the following subsection:—</p> <p>“ (3) In this section the word ‘employee’ includes a managing director appointed under section 46 (As to appointment of managing director) of the Luton Water Order, 1933.”</p> <p>After paragraph (d) of subsection (1) there shall be inserted the following paragraphs:—</p> <p>“ (e) for the purpose of cutting off the supply of water to any premises in any case in which the undertakers are authorised to cut off such supply;</p> <p>(f) for the purpose of repairing water fittings belonging to the undertakers which have been wilfully or negligently injured or suffered to be injured by the owner or occupier of the premises.”</p>

SIXTH SCHEDULE

PROVISIONS OF THE LUTON WATER ACTS, 1865 TO 1960, REPEALED

Sections 111
and 112.

Enactment (1)	Extent of repeal (2)
Luton Water Act, 1865— Section 5 (Limits of Act) Section 12 (Place of meetings of shareholders) Section 28 (Limit of Lateral Deviation) Section 29 (Limit of Vertical Deviation) Section 30 (Provisions of 10 & 11 Vict. c. 17, as to breaking Streets etc. to extend to Turnpike Roads, etc.)	So much of the section as prohibits the Company from supplying water beyond the limits described in the section without the consent of the Luton Corporation. The whole section. The whole section. The whole section. The whole section.

Enactment (1)	Extent of repeal (2)
Section 31 (Powers for Compulsory purchase limited)	The whole section.
Section 32 (Period for completion of Works)	The whole section except the proviso.
Section 33 (Land for extraordinary purposes)	The whole section.
Section 34 (Parties may grant easements)	The whole section.
Section 35 (Rents to be first charge)	The whole section.
Section 36 (Rates at which water to be supplied for domestic purposes)	The whole section.
Section 37 (Rates for waterclosets and baths)	The whole section.
Section 39 (Company may contract with Landlords of Houses not exceeding Rent of £10 per annum)	The whole section.
Section 40 (Water supplied by agreement)	The whole section.
Section 41 (Consumers to have Option of Supply by Meter)	The whole section.
Section 42 (Rates for Water Supplied by Meter)	The whole section.
Section 44 (Power to let Meters)	The whole section.
Section 45 (Meters to be repaired by the Company)	The whole section.
Section 46 (Supply for public purposes)	The whole section.
Section 47 (Persons using water to provide Stopcock)	The whole section.
Section 48 (Persons using water for Waterclosets to provide Cisterns and Cocks)	The whole section.
Section 51 (Power to turn off Water in certain cases)	The whole section.
Luton Water Order, 1880—	
Section 12 (Limits of dividend on additional capital)	The whole section.
Luton Water Act, 1897—	
Section 4 (Power to acquire additional lands by agreement)	The whole section.
Section 5 (Restrictions on taking houses of labouring class)	The whole section.
Section 7 (Amendment of Section 38 of Act of 1865)	The whole section.
Section 8 (Amending Sections 47, 48 and 51 of Act of 1865)	The whole section.
Section 10 (Profits of the Company limited)	The whole section.
Luton Water Act, 1911—	
Section 4 (Acquisition of lands by agreement)	The whole section.
Section 7 (Limiting powers of Company to abstract water)	The whole section.
Section 9 (Detection of waste)	The whole section.
Section 10 (Power to lay pipes in streets not dedicated to public use)	The whole section.

6TH SCH.
—cont.

Enactment (1)	Extent of repeal (2)
Luton Water Order, 1933—	
Section 6 (Limits of deviation)	The whole section.
Section 7 (Completion of works)	The whole section except the proviso.
Section 9 (As to exercise of powers of Section 12 of Waterworks Clauses Act 1847)	The whole section.
Section 10 (Discharge of water into streams)	The whole section.
Section 11 (Limiting powers of undertakers to abstract water)	The whole section.
Section 12 (Purchase of additional lands by agreement)	The whole section.
Section 13 (Power to retain, sell etc. lands)	The whole section.
Section 14 (Persons under disability may grant easements)	The whole section.
Section 15 (Dwellinghouses for employees offices showrooms, etc.)	The whole section.
Section 17 (Limit of dividend on additional capital)	The whole section.
Section 26 (Limit of interest on mortgages and debenture stock)	The whole section.
Section 29 (Redeemable Preference Shares or Stock and Debenture Stock)	The whole section.
Section 50 (Auditors)	Subsections (2) and (3).
Section 53 (Power to Grant Pensions etc.)	The whole section.
Section 54 (Superannuation scheme)	The whole section.
Section 55 (Amendment of Section 35 of Waterworks Clauses Act 1847)	The whole section.
Section 56 (Guarantees by district councils)	The whole section.
Section 57 (Rates leviable half-yearly)	The whole section.
Section 58 (Supply to certain premises)	The whole section.
Section 59 (Charges for supply by hosepipe)	The whole section.
Section 60 (Charges for supplies for refrigerating apparatus etc.)	The whole section.
Section 61 (Minimum price for supply by meter)	The whole section.
Section 62 (Rates payable by owners of small houses)	The whole section.
Section 63 (Special terms for supplies to caravans shacks &c.)	The whole section.
Section 64 (Separate communication pipes may be required)	The whole section.
Section 65 (Maintenance of common pipe)	The whole section.
Section 66 (Undertakers to connect communica- tion pipes with mains)	The whole section.
Section 67 (Notice of discontinuance)	The whole section.
Section 68 (By-laws for preventing waste, etc. of water)	The whole section.
Section 69 (Extension of powers for preventing waste, etc. of water)	The whole section.
Section 70 (Power to Undertakers to repair communication pipes)	The whole section.
Section 71 (Power to sell meters)	The whole section.
Section 72 (Notice to Undertakers of connecting or disconnecting meters)	The whole section.

Enactment (1)	Extent of repeal (2)
Section 73 (Register of meters to be prima facie evidence)	The whole section.
Section 74 (Injuring meters, etc.)	The whole section.
Section 75 (Penalty for closing valves and apparatus)	The whole section.
Section 76 (Penalty for opening valves etc.)	The whole section.
Section 77 (Extension of power to inspect premises)	The whole section.
Section 78 (Power to supply fittings)	The whole section.
Section 79 (Entry of premises to remove meters and fittings)	The whole section.
Section 80 (Opening of ground by person liable to maintain pipes etc.)	The whole section.
Section 81 (Purchase of water in bulk)	The whole section.
Section 82 (As to streets forming boundary of limits of supply)	The whole section.
Section 83 (Authentication and service of notices by Undertakers)	Subsection (2).
Section 84 (Recovery of demands)	The whole section.
Section 85 (Justices not disqualified)	The whole section.
Section 86 (Several sums in one summons or warrant)	The whole section.
Section 87 (Recovery of Penalties etc.)	The whole section.
Section 88 (Penalties not cumulative)	The whole section.
Luton Water Order, 1939—	
Section 8 (Subsidiary works)	The whole section.
Section 9 (Power to deviate)	The whole section.
Section 12 (Works for protection of waters)	The whole section.
Section 13 (Agreements as to drainage etc. of lands)	The whole section.
Section 15 (Limits of Dividends on additional capital)	The whole section.
Section 19 (Supplies to swimming baths and bathing pools)	The whole section.
Section 20 (Recovery of sums due for fittings etc.)	The whole section.
Section 21 (Amendment of Act of 1911 and Order of 1933)	Subsection (1) and paragraphs (b) to (f) of subsection (2).
Luton Water Order, 1951—	
Section 21 (Amendment of Order of 1933)	Paragraph (a).
Luton Water (Charges) Order, 1959	The whole Order.
Luton Water Order, 1960—	
Section 6 (Extension of limits of supply)	Paragraph (b) of the proviso.

6TH SCH.
—cont.

Enactment (1)	Extent of repeal (2)
Section 7 (Partial repeal of enactments relating to Dunstable undertaking)	In subsection (2), the words "mentioned in Part I of the third schedule to this order (being provisions relating to charges for a supply of water) and the provisions thereof mentioned" and the proviso to that subsection shall be omitted.
Section 8 (As to charges within additional added limits)	The whole section.
Section 15 (Amendment of section 26 of Order of 1933)	The whole section.
Third Schedule	Part I.

SEVENTH SCHEDULE

Section 111.

AMENDMENT OF LUTON WATER ACTS AND ORDERS, 1865 TO 1960

Enactment amended (1)	Amendment (2)
Luton Water Order, 1933— Section 35 (Voting rights)	For the words "consolidated ordinary stock" there shall be substituted the words "ordinary shares or stock".
Section 43 (Closing of transfer books)	For the words "consolidated ordinary stock" there shall be substituted the words "ordinary shares or stock".
Section 45 (Qualification of director)	For the words "consolidated ordinary stock" there shall be substituted the words "ordinary shares or stock".
Section 52 (Half-yearly dividends)	In paragraph (a) of subsection (1), for the words "consolidated ordinary stock be greater than four per centum per annum" there shall be substituted the words "ordinary shares or stock be greater than the maximum rate of dividend assigned to such shares or stock" and in subsection (2), for the words "consolidated ordinary stock" there shall be substituted the words "ordinary shares or stock".

Table of Statutes referred to in this Act

Short title	Session and chapter
Companies Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 16.
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 20.
Waterworks Clauses Act, 1847 ...	10 & 11 Vict. c. 17.
Lands Clauses Consolidation Acts Amendment Act, 1860	23 & 24 Vict. c. 108.
Waterworks Clauses Act, 1863 ...	26 & 27 Vict. c. 93.
Companies Clauses Act, 1863 ...	26 & 27 Vict. c. 118.
Luton Water Act, 1865 ...	28 & 29 Vict. c. xvii.
Public Health Act, 1875 ...	38 & 39 Vict. c. 55.
Telegraph Act, 1878 ...	41 & 42 Vict. c. 76.
Luton Water Act, 1880 ...	43 & 44 Vict. c. lxi.
Bills of Exchange Act, 1882 ...	45 & 46 Vict. c. 61.
Interpretation Act, 1889 ...	52 & 53 Vict. c. 63.
Public Works Loans Act, 1897 ...	60 & 61 Vict. c. 51.
Luton Water Act, 1897 ...	60 & 61 Vict. c. xcvi.
Luton Water Act, 1911 ...	1 & 2 Geo. 5 c. xvi.
Land Charges Act, 1925 ...	15 & 16 Geo. 5 c. 22.
Rating and Valuation Act, 1925 ...	15 & 16 Geo. 5 c. 90.
Land Drainage Act, 1930 ...	20 & 21 Geo. 5 c. 44.
Local Government Act, 1933 ...	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 49.
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.
Companies Act, 1948 ...	11 & 12 Geo. 6 c. 38.
Agricultural Holdings Act, 1948 ...	11 & 12 Geo. 6 c. 63.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
Income Tax Act, 1952 ...	15 & 16 Geo. 6 & 1 Eliz. 2 c. 10.
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2 c. 25.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2 c. 26.
Local Government Act, 1958 ...	6 & 7 Eliz. 2 c. 55.
Town and Country Planning Act, 1959 ...	7 & 8 Eliz. 2 c. 53.
Mental Health Act, 1959 ...	7 & 8 Eliz. 2 c. 72.
Lee Valley Water Act, 1959 ...	7 & 8 Eliz. 2 c. li.
Land Compensation Act, 1961 ..	9 & 10 Eliz. 2 c. 33.

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