



CHAPTER lxxv.

An Act to empower the urban district council of Rugby to construct additional waterworks and to make further provision in regard to the water and electricity undertakings of the Council and the health local government and improvement of the district and for other purposes.

A.D. 1923.

[31st July 1923.]

WHEREAS the district of Rugby (in this Act referred to as "the district") is an urban sanitary district within the meaning of the Public Health Act 1875 and an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the urban district council of Rugby (in this Act referred to as "the Council"):

And whereas the several local Acts and Provisional Orders mentioned in the First Schedule to this Act (save so far as any of them is amended by any later Act or Order among the same) are in force within the district:

And whereas the Council are the owners of waterworks and are supplying water within the district and in bulk to the Rugby Rural District Council:

And whereas the supply of water from the present waterworks of the Council is inadequate to meet the present and growing demands of the inhabitants of the district and it is expedient that the Council should be empowered to make and maintain new waterworks and to obtain a further supply of water as by this Act provided:

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— And whereas for the purpose of preventing the pollution of such further supply it is expedient that the sewerage works in this Act more particularly described should be constructed :

And whereas it is expedient to amend and extend the enactments in force in regard to the supply of water by the Council and to confer further powers on the Council in regard to their water undertaking :

And whereas in pursuance of the Electricity (Supply) Acts 1882 to 1922 and the Rugby Electric Lighting Order 1899 (which was confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1899 and which is in this Act called "the Order of 1899") the Council are supplying electricity in the district and it is expedient to make further provision with regard to the electricity undertaking of the Council as by this Act provided :

And whereas the Council have acquired the market rights of the lord of the manor of Rugby and have established markets both open and covered including a cattle market and have also built eight slaughterhouses which are occupied by local butchers as tenants of the Council :

And whereas there are various slaughterhouses in the district besides those built by the Council and it is expedient that upon their providing an adequate slaughterhouse the Council should be empowered to require the discontinuance of slaughtering except in slaughterhouses provided by them :

And whereas it is expedient that better provision should be made with reference to streets buildings sewers and drains within the district and that the powers of the Council in relation to the health local government and improvement of the district should be enlarged as by this Act provided :

And whereas it is expedient that further borrowing powers for the purposes of this Act and for the other purposes hereinafter referred to should be conferred upon the Council :

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

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

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows :— A.D. 1923.

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(a) For and in connection with the purchase of lands and easements for the purposes of the waterworks authorised by this Act and the construction of the works described in the section of this Act the marginal note whereof is "Power to make waterworks "	- 112,300
(b) For and in connection with the purchase of lands and easements for the purposes of the sewerage works authorised by this Act and the construction of the sewerage works described in the section of this Act the marginal note whereof is "Power to make sewerage works "	- 4,250
(c) For the construction of additional filter beds at the existing waterworks of the Council and mains and other purposes in connection with the supply of water by the Council	- 21,000

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Leicester Northampton and Warwick which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the

[Ch. lxxv.] *Rugby Urban* [13 & 14 GEO. 5.]
District Council Act, 1923.

A.D. 1923. Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

PART I.

PRELIMINARY.

Short and
collective
titles.

1.—(1) This Act may be cited as the Rugby Urban District Council Act 1923.

(2) The Acts and Orders mentioned in the First Schedule and this Act may be cited together as the Rugby Acts 1863 to 1923.

Act divided
into Parts.

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

- Part I.—Preliminary.
- Part II.—Waterworks sewerage works and lands.
- Part III.—Water supply.
- Part IV.—Electricity.
- Part V.—Parks and pleasure grounds.
- Part VI.—Public baths.
- Part VII.—Streets buildings sewers and drains.
- Part VIII.—Watercourses.
- Part IX.—Infectious disease and sanitary provisions.
- Part X.—Human food.
- Part XI.—Police provisions.
- Part XII.—Offensive trades.
- Part XIII.—Finance.
- Part XIV.—Miscellaneous.

And shall except as otherwise provided come into operation on the passing of this Act.

Incorporation of
Acts.

3. The following Acts and parts of Acts (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 (namely) :—

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

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (Relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall

be under the seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section : A.D. 1923.
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- (2) The Waterworks Clauses Act 1847 except :—
 (a) The words “with the consent in writing
 “ of the owner or reputed owner of any such
 “ house or of the agent of such owner ” in
 section 44 ;
 (b) Sections 75 to 82 (with respect to the
 amount of profit to be received by the under-
 takers when the waterworks are carried on for
 their benefit); and
 (c) Section 83 (with respect to the yearly
 receipt and expenditure of the undertakers);
- (3) The Waterworks Clauses Act 1863; and
- (4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the waterworks and sewerage works authorised by this Act and “the centre of the railway” means the boundaries of the reservoir and the centres of the line of pipes and the sewers and road respectively.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith and the Public Health Act 1875 have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation.

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

“The district” means the urban district of Rugby;
“The Council” means the urban district council of the district;

“The clerk” “the treasurer” “the surveyor” “the medical officer” and “the sanitary inspector” mean respectively the clerk the treasurer the surveyor the medical officer and the sanitary inspector of the Council and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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- “ The district fund ” and “ the general district rate ” mean respectively the district fund and the general district rate of the district ;
- “ The water undertaking ” means the water undertaking of the Council as for the time being authorised ;
- “ The limits of supply ” means the limits within which the Council are for the time being authorised to supply water ;
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919 ;
- “ The tribunal ” means the arbitrator or other tribunal to whom any question of disputed purchase money or compensation under this Act is referred ;
- “ The First Schedule ” “ the Second Schedule ” and “ the Third Schedule ” mean respectively the First Schedule the Second Schedule and the Third Schedule to this Act ;
- “ The sewerage works ” means the sewerage works and works in connection therewith authorised by this Act ;
- “ The Act of 1863 ” means the Rugby Waterworks Act 1863 ;
- “ The Act of 1901 ” means the Rugby Water and Improvement Act 1901 ;
- “ The recited Acts ” means the Acts and Orders mentioned in the First Schedule and each of those Acts and Orders is referred to as the Act or Order of the year in which it was passed ;
- “ Child ” means a person under the age of fourteen years ;
- “ Daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction ;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local

Loans Act 1875 but does not include annuities A.D. 1923.
 rentcharges or securities transferable by delivery
 or any securities of the Council; —

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878.

PART II.

WATERWORKS SEWERAGE WORKS AND LANDS.

5. Subject to the provisions of this Act the Council may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the following works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say):—

Power to
make water-
works.

Work No. 1 An impounding reservoir situate in the parishes of South Kilworth Westrill and Starmore Welford and Stanford to be formed by means of an embankment or dam 13·25 chains or thereabouts in length across the River Avon

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commencing in the parish of South Kilworth in the enclosure numbered 3 on the $\frac{1}{2500}$ Ordnance map Northamptonshire sheet XXII. 7 and Leicestershire sheet LIII. 7 (second edition 1900) at or near a point 6 chains or thereabouts northwards from the south-western corner of that enclosure and terminating in the parish of Stanford in the enclosure numbered 45 on the said map at or near a point 6.25 chains or thereabouts eastwards from the westernmost corner of the last-mentioned enclosure such reservoir extending up the valley of the River Avon to a point in the river 10 chains or thereabouts eastwards from the south-western corner of the enclosure numbered 30 on the map in the parish of South Kilworth:

Work No. 2 An alteration of the level of the public road leading from South Kilworth to Northampton commencing in the said parish of South Kilworth at a point in the road 4.50 chains or thereabouts north-westwards of the centre of the bridge carrying the road over the River Avon and terminating in the said parish of Welford at a point in the road 7.50 chains or thereabouts south-eastwards of the centre of the said bridge:

Work No. 3 A line or lines of pipes commencing in the impounding reservoir (Work No. 1) in the said parish of Stanford and terminating in the existing suction well of the Council in the parish of Brownsover:

Work No. 4 A road wholly in the said parish of South Kilworth commencing in the enclosure numbered 3 on the said map at or near a point 0.50 chain or thereabouts northwards of the south-western corner of that enclosure and terminating in the enclosure numbered 4 on the said map by a junction with the public road leading from the north-eastern entrance to Stanford Park to the main road leading from Rugby to Market Harborough:

Work No. 5 A recording station in the parish of Husbands Bosworth in the south-eastern portion of the enclosure numbered 4 on the $\frac{1}{2500}$ Ordnance map Northamptonshire sheet XXIII. 5 Leicestershire sheet LIV. 5 (second edition 1900).

In constructing the impounding reservoir (Work No. 1) the Council shall provide a byewash channel along the north-west side thereof to receive the first flushes of flood water of the River Avon and a settling pond at the head of the reservoir to intercept solid matter. A.D. 1923.

6. In addition to the works hereinbefore described the Council may upon any lands for the time being belonging to them for the purposes of their water undertaking or over which they have or obtain easements for those purposes make and maintain culverts tunnels shafts chambers drains washouts junctions discharge pipes intakes sluices gauges tanks basins filter beds filters embankments dams retaining walls bridges roads tramroads approaches telegraphic and telephonic apparatus valves machinery buildings appliances apparatus and conveniences connected with or ancillary to the Council's waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same. Subsidiary works.

7. Subject to the provisions of this Act the new waterworks and the lands hereby authorised to be acquired and held for the purposes thereof or in connection therewith shall for all purposes whatsoever form part of and be comprised in the water undertaking of the Council. New waterworks to form part of undertaking of Council.

8. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their waterworks the waters of the River Avon and all such brooks springs streams and waters as can or may be intercepted by the waterworks by this Act authorised. Power to take waters.

9.—(1) After the completion of the reservoir (Work No. 1) by this Act authorised the following provisions shall apply :— Discharge of water into River Avon below reservoir.

(a) The Council shall during every day of twenty-four hours discharge or deliver into the River Avon at a point therein situate not more than two hundred yards below the foot of the embankment of the reservoir a quantity of water equivalent to the flow of water up to seven hundred and fifty thousand gallons for the previous day over the five-foot weir known as the Welford Weir belonging to the Grand Junction Canal Company adjoining the George Inn in the parish

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of Husbands Bosworth and an additional quantity of one hundred and twenty thousand gallons a day in respect of the stream known as the Bosworth Stream which enters the River Avon below the said Welford Weir;

- (b) For the purpose of measuring the quantity of water to be so discharged or delivered into the River Avon the Council shall erect and maintain the recording station (Work No. 5) by this Act authorised and shall also erect and maintain at a point on the said river below the said reservoir not more than two hundred yards from the foot of the embankment thereof a proper and suitable measuring gauge over or through which the said water shall flow and the same shall be open to the inspection and examination of all persons interested therein.

(2) In case of any neglect on the part of the Council to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of water shall not so flow the Council shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(3) If any difference arises between the Council and any person so interested with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the Ministry of Agriculture and Fisheries.

Limiting
powers of
Council to
abstract
water.

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

Power to
make sewer-
age works.

11.—(1) Subject to the provisions of this Act the Council may and shall make and until the transfer provided for by the section of this Act of which the marginal note is "Transfer of sewerage works to rural district

councils" maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the following sewerage works and may enter upon take and use all or any of the lands delineated on the deposited plans relating thereto and described in the deposited book of reference (that is to say):—

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Work No. 6 A sewer or conduit (No. 1) in the said parish of South Kilworth commencing in the public road leading from South Kilworth to Lutterworth and terminating in the enclosure numbered 60 on the $\frac{1}{2500}$ Ordnance map Northamptonshire sheet XXII. 7 and Leicestershire sheet LIII. 7;

Work No. 7 A sewer or conduit (No. 2) in the said parish of South Kilworth commencing in the said enclosure numbered 60 and terminating at the brook or stream at a point 6 chains or thereabouts south-eastwards of the northern corner of that enclosure;

Work No. 8 A sewer or conduit (No. 3) in the said parish of South Kilworth commencing in the public road leading from South Kilworth to Northampton and terminating in the public road or lane leading from the said road to the public road leading from South Kilworth to Rugby by a junction with an existing sewer or conduit;

Work No. 9 A sewer or conduit (No. 4) in the said parish of South Kilworth commencing by a junction with an existing sewer or conduit and terminating by a junction with Work No. 6 at or near the termination thereof;

Work No. 10 Sewage purification works (No. 1) in the parish of South Kilworth in the eastern portion of the said enclosure numbered 60;

Work No. 11 A pumping station in the parish of Welford adjoining an existing sewage tank in the northern corner of enclosure numbered 264 on the $\frac{1}{2500}$ Ordnance map Northamptonshire sheet XXIII. 5 Leicestershire sheet LIV. 5 (second edition 1900);

Work No. 12 A sewer or conduit (No. 5) in the said parish of Welford commencing in the pumping station Work No. 11 and terminating in the

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public road leading to Northampton by a junction with the sewer or conduit (No. 6) Work No. 13 next hereinafter described;

Work No. 13 A sewer or conduit (No. 6) in the said parish of Welford commencing by a junction with the sewer or conduit (No. 5) Work No. 12 at or near the termination thereof and terminating in the enclosure numbered 269 on the said Ordnance map;

Work No. 14 An accommodation road in the said parish of Welford commencing in the enclosure numbered 267 on the said Ordnance map by a junction with the public road leading to Northampton and terminating in the said enclosure numbered 269;

Work No. 15 Sewage purification works (No. 2) in the said parish of Welford in the eastern portion of the said enclosure numbered 269;

Work No. 16 A sewer or conduit (No. 7) in the said parish of Welford in the said enclosure numbered 269:

Together with all necessary sewers manholes ventilators flushing tanks ejector chambers turbines air compressors drains outfalls overflows weirs sluices culverts conduits channels gauges syphons relief valves tanks shafts works machinery plant and conveniences.

(2) The sewerage works authorised by this section shall be constructed in compliance with the requirements and regulations of the Ministry of Health and shall be completed before the Council commence to impound water into the reservoir (Work No. 1) by this Act authorised.

Limits of
deviation.

12.—(1) In the construction of the new waterworks and the sewerage works the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections downwards to any extent and upwards to any extent not exceeding in the case of the reservoir three feet and in the case of other works five feet.

(2) Provided as follows (that is to say):—

(a) The Council shall not construct any embankment or dam of the reservoir (Work No. 1)

of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or dam and three feet in addition; A.D. 1923.
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- (b) The level of the overflow weir of the reservoir (Work No. 1) shall not by any such vertical deviation be raised above three hundred and sixty-four feet above Ordnance datum;
- (c) Except for the purposes of crossing over a stream no part of the aqueducts conduits or pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

13. If the works by this Act authorised and delineated on the deposited plans are not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed. Period for completion of works.

14. Subject to the provisions of this Act the Council may enter upon take and use for the purposes of the sewage purification works (Works Nos. 10 and 15) by this Act authorised and purposes connected therewith the following lands shown on the deposited plans and described in the deposited book of reference (that is to say) :— Lands for sewage purification purposes.

Certain lands one acre or thereabouts in extent situate in the parish of South Kilworth and being the eastern portion of the enclosure numbered 60 on the $\frac{1}{2500}$ Ordnance map Northamptonshire sheet XXII. 7 Leicestershire sheet LIII. 7 (second edition 1900);

Certain lands one rood and eight perches or thereabouts in extent situate in the parish of Welford and being the eastern portion of the enclosure numbered 269 on the $\frac{1}{2500}$ Ordnance map Northamptonshire sheet XXIII. 5 Leicestershire sheet LIV. 5;

and they may erect make provide lay down and maintain on such lands such bacteria beds humus tanks screens

A.D. 1923. filter beds tanks junctions sewers drains outfalls overflows weirs sluices culverts conduits channels engines pumps works and conveniences as they may from time to time deem requisite for the purposes aforesaid.

Nothing in this section shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

15. The Council may on all or any of the lands for the time being held by them or any lands in respect of which they may have acquired any necessary easements in that behalf execute for the purposes of or in connection with their water undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 (other than wells and works for taking and intercepting water) Provided that the Council shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Application of Waterworks Clauses Act 1847 to pipes telephones &c.

16. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the lines of pipes sewers or conduits authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to lay down or erect for the purposes of their water undertaking :

Provided that the Council shall not construct lay down erect or maintain any such discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any street road bridge or approach of a railway company except with the consent in writing of such company which consent shall not be unreasonably withheld.

For protection of Postmaster-General.

17. Any telephone or telegraph posts wires conductors or other apparatus erected laid down made or maintained under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed and maintained as not to interfere with any

telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of such line. A.D. 1923.
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18.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Council are empowered to take the Council may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of their water undertaking so long as they shall deem it necessary or expedient for those purposes : Power to hold lands and exercise powers for protection of waters.

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connection with their water undertaking and such buildings and works as may be incident to or connected with their water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Council.

(2) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Council or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Council are for the time being authorised to take.

19. Section 23 (Provisions as to fouling of water) and section 24 (Byelaws for securing purity of water) of the Act of 1901 shall apply to the water undertaking of Application of sections 23 and 24 of Act of 1901.

A.D. 1923. the Council as authorised by this Act with the substitution
— in the said section 23 of the words “county council in
whose county” for the words “Warwickshire County
Council.”

Acquisition
of ease-
ments.

20.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works and conveniences) and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall either contain or be endorsed with notice of this provision.

Compensa-
tion in case
of recently
acquired
interest.

21. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November one thousand nine hundred and twenty-two if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect

of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act. A.D. 1923.
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22. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Limit of time for compulsory purchase of lands.

23.—(1) All private rights of way over any lands which the Council are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished. Extinction of private rights of way.

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

24. The Council on selling any lands held by them may reserve to themselves all or any water or other rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Reserva-
tion of
water rights
&c.

25.—(1) So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health. Proceeds of
sale of sur-
plus lands.

(2) Provided that—

(a) The amount to be applied in the purchase of lands under this section shall not exceed

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the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;

- (b) The borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Any capital moneys received by the Council under the section of this Act of which the marginal note is "Retention and disposal of lands" on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister of Health.

Retention
and disposal
of lands.

26. Notwithstanding anything in any other Act or Acts to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or to be acquired by them under this Act or any grant or award or any general or local Act for the time being in force in the district (other than the Housing Acts 1890 to 1919) or any Provisional or other order and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any moneys for equality of exchange:

Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the approval of any Government department to any sale lease appropriation or other disposition of any lands acquired under any Act for which such approval would be required but for the provisions of this section:

Provided also that nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed. A.D. 1923.

27. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Persons under disability may grant easements &c.

28.—(1) For the purpose of executing constructing laying down enlarging extending repairing renewing cleansing emptying removing or examining any of the new waterworks the Council may cause the water in any such waterwork to be discharged into any available stream or watercourse. Discharge of water into streams.

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

29. If any person shall knowingly and wilfully discharge throw or put or cause or suffer to fall into or Offensive matter not to be dis-

A.D. 1923.
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charged into
River Avon
or its tribu-
taries above
Work No. 1.

enter the River Avon or its tributaries above the reservoir (Work No. 1) by this Act authorised any offensive matter whether solid or fluid or any rubbish earth mud ashes dirt soil or refuse of any description so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of the water or to pollute the water he shall for every such offence be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Connection
of existing
sewers and
drains with
sewerage
works.

30. It shall be lawful for the Council at their own expense after written notice to the owner of any sewer or drain discharging into the River Avon or any tributary of such river above the reservoir (Work No. 1) by this Act authorised to connect such sewer or drain with the sewerage works.

Transfer of
sewerage
works to
rural
district
councils.

31. The Council and any rural district council in whose district any of the sewerage works authorised by this Act are situate may enter into and carry into effect agreements for the transfer to and vesting in such rural district council of the sewerage works in their district and as and from the date of the said transfer and vesting such rural district council shall have and may exercise and shall be subject to the same rights powers duties and obligations with reference to the sewerage works in their district as if the same were sewage works constructed and maintained by them under and in accordance with the Public Health Acts.

Agreement
with Brix-
worth Rural
District
Council in
regard to
sewage
works.

32. The Council may make and carry into effect agreements with the Brixworth Rural District Council with reference to the execution by the Brixworth Rural District Council or the Council of any works necessary or desirable for improving the arrangements for the disposal of the sewage of any parish in the Brixworth Rural District within the watershed of the River Avon or for preserving the purity of the waters collected impounded diverted and appropriated by the Council and in regard to the payment of the cost of such works.

Scheduled
agreements
confirmed.

33. The agreement made the third day of May one thousand nine hundred and twenty-three between the Council of the one part and the Lutterworth Rural District Council of the other part and the agreement

made the fifteenth day of May one thousand nine hundred and twenty-three between the Council of the one part and the Oxendon Rural District Council of the other part set forth in the Second Schedule are hereby respectively confirmed and made binding on the respective parties thereto. A.D. 1923.

34. The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Council for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Council for the purposes of the said undertaking. Dwelling-houses for persons in Council's employment.

35. The following provisions for the protection of the company of proprietors of the Oxford Canal Navigation (hereinafter in this section referred to respectively as "the canal company" and "the canal") shall unless otherwise agreed in writing between the Council and the canal company apply and have effect (that is to say) :— For protection of Oxford Canal Navigation.

- (1) Except as hereinafter provided the Council shall not under the powers of this Act or of the Acts incorporated therewith enter upon take or use temporarily or permanently any land or property of the canal company :
- (2) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the line or lines of pipes (Work No. 3) by this Act authorised (hereinafter in this section referred to as "Work No. 3") shall be carried under the canal at such point within the limits of deviation to the south of but not nearer than three feet from the south-eastern pillar of the wing wall of the archway under the canal known as the Brownsover Mill Archway as may be agreed upon between the Council and the canal company or determined by arbitration as hereinafter provided and in such manner that no part of Work No. 3 shall be less than eighteen feet below the weir level of the canal at the point of crossing :

A.D. 1923.
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- (3) The Council may acquire and the canal company may and shall sell to the Council such an easement as may be necessary for the construction maintenance repair inspection cleansing renewal and use of Work No. 3 subject nevertheless to the provisions of this section and the consideration to be paid for such easement shall in case of dispute be determined in manner provided by the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919 with respect to the purchase and taking of land otherwise than by agreement and for the purposes of any such determination the acquisition of the said easement or right shall be deemed to be a taking of land within the meaning of section 6 of the Railways Clauses Consolidation Act 1845 :
- (4) Work No. 3 so far as the same is situate on or under the canal or other property of the canal company and all future alterations repairs or renewals thereof respectively shall be constructed and executed according to plans sections and specifications which shall be submitted to and reasonably approved by the engineer of the canal company previously to the commencement of the work and shall be carried out and completed under the supervision (if the same be given) and to the reasonable satisfaction of the said engineer Provided that if such engineer does not within twenty-eight days after the submission to him of such plans sections and specifications give notice to the Council of his objection thereto he shall be deemed to have approved thereof :
- (5) The portions of Work No. 3 referred to in the immediately preceding subsection shall be maintained in good and substantial repair by and at the expense of the Council and in the event of the Council at any time neglecting after notice from the canal company so to maintain the same the canal company may if they think fit execute such repairs as may be reasonably necessary and the expenses incurred by the canal company in so doing shall on demand be repaid to them by the Council :

- (6) The construction of Work No. 3 and all future alterations repairs and renewals thereof shall be carried out and executed without causing any leakage or loss of water from the canal or any unnecessary interference with or damage to the canal or the towing-paths banks or works thereof or other property of the canal company and so as to occasion no obstruction or impediment to the traffic on the canal or the passage along the towing-path : A.D. 1923.
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- (7) If in the construction maintenance alteration repair or renewal of Work No. 3 or by reason or in consequence of the construction or use thereof or of any defect failure or want of repair thereof any such interference damage leakage or loss of water or obstruction or impediment as in the last preceding subsection mentioned shall at any time be occasioned or arise or shall reasonably be apprehended the Council shall forthwith when required in writing by the canal company so to do at their own expense restore the canal towing-path banks works or other property of the canal company as the case may be to the same state and condition as before the happening of such interference or damage or stop or prevent such leakage or loss of water or further leakage or loss of water or remove the cause of such obstruction or impediment or take all steps necessary to prevent the recurrence of any such interference damage leakage loss obstruction or impediment as the case may require to the reasonable satisfaction of the engineer of the canal company and in case of default by the Council in so doing or in cases of emergency it shall be lawful for the canal company to do the same and to take all steps which may be reasonably necessary to prevent the recurrence of such interference damage leakage loss obstruction or impediment as the case may be and the expense incurred by them in so doing shall on demand be paid by the Council to the canal company :
- (8) The Council shall during the construction of Work No. 3 on or under the canal or other property of the canal company or the execution

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of any alterations repairs or renewals thereof bear and upon demand pay to the canal company the reasonable expense of the employment of a sufficient number of inspectors or watchmen to be appointed by the canal company for watching their property with reference to and during the execution of the said works and for preventing so far as may be any damage obstruction or accident which may arise from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employment of the Council or their contractors or otherwise :

- (9) In addition and without prejudice to the foregoing provisions of this section the Council shall compensate and indemnify the canal company for and in respect of all loss costs damages expenses claims and demands which the canal company may sustain or incur or which may be made against them by reason or in consequence of the construction maintenance alteration repair renewal or use of Work No. 3 or the failure or want of repair thereof or by reason of any act or omission of the Council their contractors agents workmen or servants :
- (10) The fact that any work or thing has been executed or done in accordance with a plan approved by the canal company or with a requirement of the canal company or their engineer or to the satisfaction of such engineer shall not relieve the Council from any liability for damage caused to the property of the canal company or affect any claim competent to the canal company under this Act :
- (11) If any difference (the settlement of which is not in this section otherwise provided for) shall arise under this section between the Council and the canal company or between their respective engineers as to any plans sections or specifications or as to the mode of executing any works or as to the reasonableness of any requirement of the canal company or of their engineer such difference shall be settled by an arbitrator to be agreed upon or failing

agreement to be appointed by the President of the Institution of Civil Engineers on the application of either the Council or the canal company and in all other respects the provisions of the Arbitration Act 1889 shall apply to such arbitration. A.D. 1923.
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36. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed between the railway company and the Council have full force and be binding upon the Council:— For protection of London Midland and Scottish Railway Company.

- (1) In carrying any line or lines of pipes (hereinafter referred to as "the said works") authorised by this Act where the same shall be carried alongside and within fifteen feet of the railway of the railway company and also (except in case of emergency) in effecting any repairs or renewals thereof the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the railway company (hereinafter referred to as "the said engineer") and before commencing any such works the Council shall submit to the said engineer plans sections and particulars of the works proposed to be executed and such plans sections and particulars shall be delivered at least twenty-one days before the commencement of any such work and if at the expiration of twenty-one days from such delivery no objection has been lodged to such plans sections and particulars of the works then the plans sections and particulars shall be deemed to be approved. If any difference shall arise on any such plans sections and particulars between the Council and the railway company the same shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned. The said works shall be executed so as to cause as little injury as reasonably practicable to the said railway or interruption to the passage or conduct of the traffic over the same and if any injury shall arise to the said railway or interruption to such traffic

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the Council shall make full compensation to the railway company in respect of such injury or interruption :

- (2) Notwithstanding the approval of plans sections and particulars or supervision by or completion to the satisfaction of the said engineer as aforesaid if by reason of any works of the Council or of their contractors or of their workmen or of the leakage bursting or failure of the said works the said railway or any of the works or lands of the railway company shall be injured or damaged the railway company may make good the same and recover the reasonable expense thereof from the Council and if any interruption shall be caused to the traffic of the said railway by reason of any of the works of the Council or of any such leakage bursting or failure as aforesaid the Council shall repay to the railway company any loss damage or expense which they may sustain or be put to by reason of such interruption of the traffic of the said railway :
- (3) The Council shall bear and on demand pay to the railway company the reasonable expense of the employment by them during the construction of the said works alongside the railway of a sufficient number of inspectors signalmen or watchmen for watching the said railway and the conduct of the traffic thereon with reference to and during the execution of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Council with reference thereto or otherwise :
- (4) Any dispute or difference which may arise between the railway company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

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

A.D. 1923.

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 For protec-
 tion of
 London and
 North
 Eastern
 Railway
 Company.

- (1) In carrying the line or lines of pipes Work No. 3 by this Act authorised (hereinafter referred to as "the authorised works") where the same will pass under the railway or other property of the railway company and also (except in case of emergency) in effecting any repairs or renewals thereof the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the railway company and at least twenty-one days before commencing any such works the Council shall submit to the said engineer plans sections and specifications of the works proposed to be executed and if at the expiration of twenty-one days from such delivery no objection has been lodged to such plans sections and specifications of the works then the plans sections and specifications shall be deemed to be approved. If any difference shall arise on any such plans sections and specifications between the Council and the railway company the same shall unless otherwise agreed be settled by arbitration in manner hereinafter mentioned:
- (2) The Council shall with all despatch restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the railway company so far as the same may be disturbed or interfered with by or in connection with the authorised works:
- (3) If the railway company within fourteen days from the approval by the said engineer or the determination by an arbitrator of any plans sections and specifications as aforesaid give to the Council notice in writing that the railway company desire themselves to execute so much of Work No. 3 (other than the actual laying down and maintenance of the pipes) as will be situate on the property of the railway company the

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railway company may execute the works and may recover from the Council the reasonable expenses incurred by the railway company in connection therewith :

- (4) The authorised works shall be constructed and maintained so as to cause as little injury or damage as reasonably practicable to the railway or other property of the railway company or interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Council or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the railway company at the expense of the Council and the Council shall make compensation to the railway company for and in respect thereof :
- (5) In the event of the Council failing to maintain the authorised works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the railway company may make good the same and make and do in and upon the lands of the Council or their own lands all such repairs and things as may be reasonably requisite and recover from the Council the reasonable expenses incurred by them in connection therewith :
- (6) If it should be necessary by reason of the authorised works to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the railway company the railway company may effect such alterations and the Council shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (7) The Council shall bear and on demand pay to the railway company the reasonable expense of the employment by the railway company during the construction repair or renewal of the authorised works under or across the railway or other property of the railway company of a sufficient number of inspectors signalmen or watchmen to be appointed by the railway company for watch-

ing and protecting the said railway and the conduct of the traffic thereon with reference to and during the construction repair or renewal of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Council or their contractors :

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- (8) Any additional expense which the railway company may reasonably and properly incur in connection with their railway or other works by reason of the existence of the authorised works shall be paid by the Council :
- (9) Any difference arising between the Council and the railway company respecting any of the matters referred to in the foregoing provisions of this section shall be referred to and determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :
- (10) The Council shall not without the consent in writing of the railway company purchase or take any property of the railway company but they may purchase and take such right or easement or privilege over upon across or under the railway works or property of the railway company delineated on the deposited plans as shall be necessary for the purpose of constructing maintaining and using the authorised works and the Council shall not either temporarily or permanently enter upon use or interfere with the said railway works or property of the railway company save only as far as may be necessary for the purpose of constructing maintaining and using the authorised works in accordance with the provisions of this Act.

38. For the protection of the Honourable Adrian Verney Verney-Cave and his sequels in estate or other the owner or owners for the time being of the estate in the rural districts of Lutterworth and Crick known as the

For protection of the Hon. A. V. Verney-Cave.

A D. 1923. Stanford Park Estate (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed between the owner and the Council have effect (that is to say):—

- (1) Before the Council interfere with any existing means of access across the said estate they shall construct (a) the road (Work No. 4) by this Act authorised of a width of not less than eighteen feet between the fences and with an iron hurdle or post and rail fence of not less than four feet six inches in height along the east side thereof and (b) a flat concrete bridge of a width of not less than twelve feet between the parapets to carry the said road across the River Avon and to connect the same with the lands of the owner on the south side of the said river and with brick parapets on each side of the said bridge of not less than four feet in height :
- (2) The said bridge parapets and fence shall be constructed and subsequently maintained together with the existing fence on the west side of the site of the said road to the reasonable satisfaction of the owner :
- (3) From and after the completion of the said road and bridge the owner his lessees and tenants and all persons duly authorised by the owner shall be entitled without payment to pass and repass along and across the same with or without horses and other animals and vehicles used in the ordinary farm traffic of the district : -
- (4) If after the Council commence to impound water in the reservoir by this Act authorised a deficiency in the water power available for working the existing turbine at Stanford Hall shall occur the Council shall (a) pay the owner the cost of providing auxiliary power to make up the deficiency so as to make the power available as efficient as it was before the Council commenced to impound water in the reservoir and (b) construct in a north-easterly direction an extension of the channel which stores the water for the existing electrical plant of the owner so as to provide in such extension a storage capacity of 500,000 gallons of water :

- (5) Notwithstanding anything in this Act or on the deposited plans the sewage purification works (No. 1) by this Act authorised to be constructed in the enclosure No. 60 on the $\frac{1}{2500}$ Ordnance map (second edition 1900) Northamptonshire sheet XXII 7 and Leicestershire sheet LIII 7 shall be constructed in the southern portion of such enclosure to the south-east of "The Moats" if the owner sells and conveys the necessary land to the Council : A.D. 1923.
- (6) The Council shall provide and maintain to the reasonable satisfaction of the owner and for the use of the owner his lessees and tenants suitable ponds or troughs for the watering of animals in convenient positions on the lands of the owner on both sides of the reservoir (Work No. 1) by this Act authorised which may be deprived of their water supply by the construction of the reservoir and shall cause any troughs provided by them to be properly supplied with water :
- (7) Notwithstanding anything in this Act all rights of sporting over any property acquired by the Council from the owner and of fishing from the banks of the said reservoir shall be reserved exclusively to the owner and the owner shall be entitled to stock the said reservoir with fish Provided that the rights reserved by this subsection shall not be exercised so as to foul the water in the said reservoir nor to interfere with the rights powers and authorities of the Council including the right of drawing off the water of or not filling the said reservoir and the doing of all such acts as they may deem necessary for maintaining cleansing and repairing the said reservoir and the works connected therewith or for preventing the water thereof from being fouled or preventing the accumulation of fish to such an extent as to affect the quality of water therein :
- (8) In constructing the line or lines of pipes (Work No. 3) by this Act authorised the Council shall take all practicable precautions to prevent any land drains or springs or streams on the estate being intercepted or interfered with :

A.D. 1923.
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- (9) The Council shall make full compensation to the owner for any loss or damage he may sustain or any charges or expenses he may be put to or incur by reason of the bursting or giving way of the reservoir by this Act authorised :
- (10) The Council shall take all reasonable means for the prevention of trespass on the estate by persons in the employ of themselves or their contractors :
- (11) If any difference shall arise under this section between the Council and the owner the difference shall be referred to an arbitrator to be agreed between the parties or if not agreed to be appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to the reference :
- (12) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any Act incorporated therewith which may enure for the protection or benefit of the owner his lessees or tenants Provided that in determining the amount of any compensation to be paid to the owner his lessees or tenants regard shall be had to the provisions of this section and the works to be constructed by the Council and the rights conferred on the owner his lessees and tenants thereunder.

For protec-
tion of Lei-
cestershire
County
Council.

39. For protection of the county council of the administrative county of Leicester (in this section called "the county council") the following provisions shall unless otherwise agreed in writing between the Council and the county council apply and have effect (that is to say) :—

- (1) If when the Council construct the line or lines of pipes (Work No. 3) authorised by this Act across the River Avon in the parish of Westrill and Starmore the county council have not widened the existing bridge carrying the road near Saint Nicholas' Church over the river the said line of pipes shall be laid in or under the bed of the said river and shall not be laid on or attached to the said bridge or in or to the raised approaches to the said bridge and the

Council shall not in constructing renewing repairing maintaining or altering the said line of pipes interfere with the structure buttresses or foundations of the said bridge or with the roadway over the same or the approaches thereto: A.D. 1923.
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- (2) Any manhole or inspection chamber constructed by the Council in connection with the sewer or conduit (Work No. 6) authorised by this Act where the same crosses the main road leading from Rugby to Market Harborough in the parish of South Kilworth shall be constructed in the roadside waste to the east of the said road and not on the metalled portion of the said road:
- (3) The laying of the said line of pipes sewer or conduit and any works of maintenance alteration or renewal thereof shall be executed so as not to stop or unreasonably impede or interfere with the traffic over or along any main road repairable by the county council:
- (4) The provisions of section 30 of the Waterworks Clauses Act 1847 in their application to any part of the said line of pipes sewer or conduit to be laid in any main road repairable by the county council shall have effect as if the word "fourteen" were substituted for the word "three" in that section:
- (5) Any difference which arises under this section shall be referred to and be determined by arbitration subject to the provisions of the Arbitration Act 1889 and the arbitrator shall failing agreement be appointed by the President of the Institution of Civil Engineers on the application of either party.

40. Whereas Colonel Dacres Thomas Charles Belgrave of Winterbourne House Farnham in the county of Surrey (in this section called "the owner" which expression where the context so admits includes his sequels in estate) is the owner of a farm in the parish of North Kilworth known as the North Kilworth Mill Farm and in the occupation of Norman John Maddison as tenant of the owner (in this section called "the tenant") upon a part of which near North Kilworth Mill there is situate a sheepwash and a sheep dipping place from which

For protec-
 tion of
 Colonel
 Belgrave.

A.D. 1923. offensive fluid is liable to enter the River Avon or its tributaries above the reservoir (Work No. 1) authorised by this Act And whereas the owner and the tenant have agreed with the Council that in consideration of the obligations undertaken by and imposed upon the Council under this section the said sheepwash and sheep dipping place and all tanks erections apparatus and conveniences connected therewith shall be wholly discontinued and filled in or removed before the completion of the said reservoir and the owner has further agreed with the Council not to permit the installation or carrying on of any other sheepwash or sheep dipping place upon any part of his said farm draining to the River Avon or its tributaries above the said reservoir the following provisions shall (unless otherwise agreed in writing between the owner and the Council) have effect for the protection of the owner and the tenant (that is to say):—

- (1) The Council shall give to the owner and to the tenant notice in writing of the date at which they expect to complete the construction of the said reservoir The said notice shall be given not more than six months and not less than two months before the said date :
- (2) Prior to the completion by the Council of the said reservoir the owner and tenant shall abolish the said sheepwash and sheep dipping place near North Kilworth Mill in the parish of North Kilworth and shall wholly discontinue and fill in or remove all tanks erections apparatus and conveniences connected therewith and upon such discontinuance and filling in or removal the Council shall pay to the owner the sum of two hundred pounds as compensation for such discontinuance and filling in or removal :
- (3) The owner shall not permit the installation or carrying on of any other sheepwash or sheep dipping place upon any part of his said farm draining to the River Avon or its tributaries above the said reservoir.

As to filtra-
tion.

41. All water impounded by the reservoir (Work No. 1) by this Act authorised shall be efficiently filtered before it is supplied for domestic purposes and all water taken from the River Avon at the existing works of the

Council in the parish of Brownsover shall be efficiently filtered and chlorinated or otherwise treated before the same is put into the distributing mains of the Council. A.D. 1923.
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PART III.

WATER SUPPLY.

42. The Council may with the sanction of the Minister of Health at any time increase the water rates leviable by them for domestic purposes by such an amount as may be considered necessary in order to meet the estimated expenditure of the water undertaking of the Council. Water rates.

43. In addition to the charges for domestic purposes the Council may charge in respect of every water-closet beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and in respect of every fixed bath capable of containing as usually filled for use not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing as usually filled for use more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate. Rates for water-closets and baths.

44. The Council shall not be bound to supply with water otherwise than by agreement or by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any workhouse hospital asylum or sanatorium. Provided that the Council may require that the sum to be paid for any such supply by measure shall not be less than the sum which would have been chargeable in respect of such supply had the supply been given under the provisions of this Act which relate to the supply for domestic purposes otherwise than by measure and the charges therefor. Supply to houses partly used for trade.

45. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses Supply of water by hose pipe to stables &c.

A.D. 1923. — carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Price of
supply by
measure.

46. The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons. Provided that the Council shall be entitled to charge for each such supply such minimum sum not exceeding fifteen shillings as they may prescribe in respect of the water supplied in any quarter of the year.

Payment of
water rates.

47. Notwithstanding anything contained in section 70 (Rates to be paid quarterly) of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rents rates and charges shall be payable at such date or dates as the Council may from time to time appoint. Provided that no person shall be compellable to pay water rents rates or charges so demanded for any longer period in advance than three months.

Byelaws for
preventing
waste &c. of
water.

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

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

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not

being in accordance with the requirements of such bye-laws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable. A.D. 1923.
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49. Subject to the provisions of this Act and the Acts incorporated herewith the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water (without thereby in any way affecting the ownership of any such mains or pipes) and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Council shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878. Detection of waste.

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

51.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the Power to Council to repair communication pipes.

A.D. 1923. — case without being requested so to do and the expense incurred by the Council in executing such repairs if found to be necessary shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

(2) Provided that except in case of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier (if the communication pipe is repairable by him) of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Interference
with valves
pipes and
fittings.

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

Power to
person
liable to
maintain
pipes &c.
to open
ground.

53.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus in the limits of supply the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay down maintain repair or remove any communication pipe and for that purpose to open or break up any street in the limits of supply execute such works on behalf of such owner or occupier and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier with whom the agreement is made.

Mainten-
ance of
common
pipe.

54. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or

occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportion of contributions shall be settled by the waterworks engineer or other officer duly authorised in that behalf by the Council. A.D. 1923.

55. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate or rent is charged and sought to be recovered by the Council Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be *primâ facie* evidence.

56. Section 30 (Supply to houses partly used for trade) of the Act of 1901 is hereby repealed. Repeal of section 30 of Act of 1901.

57. The section of this Act the marginal note whereof is " Rates for water-closets and baths " shall come into operation as from the twenty-ninth day of September one thousand nine hundred and twenty-three and as from such date section 33 (Rates for water-closets and baths) of the Act of 1901 shall be repealed except for the purpose of recovering rates then in arrear. Commence-ment of section 34 of this Act and repeal of section 33 of Act of 1901.

PART IV.

ELECTRICITY.

58. The Council may subject to the provisions of the Rugby Electric Lighting Order 1899 and of the Electricity (Supply) Acts 1882 to 1922 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient : Power to construct electrical sub-stations under streets.

A.D. 1923.

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Provided that the Council shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within ten feet of any abutment of any such bridge or (b) so as to interfere with or render less convenient the access to or exit from any station or depôt of a railway company.

Power to
lay electric
lines &c. in
private
streets.

59. The Council may on the application of the owner or occupier of any premises within the district abutting on or erected or being erected in any street laid out or made but not repairable by the inhabitants at large supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across along or out of such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Rugby Electric Lighting Order 1899 as amended by this Act and of the Electricity (Supply) Acts 1882 to 1922 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Council under the powers of this section as if such street were a street repairable by the inhabitants at large.

Attachment
of brackets
&c. to
buildings.

60. The Council may with the consent of the owner of any building attach to that building such brackets wires and attachments as may be required for lighting any street in the area of supply Provided that—

- (1) Where in the opinion of the Council any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be

removed until the expiration of three months after any subsequent owner shall have given to the Council notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):

- (3) The owner may require the council temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

61.—(1) Any person who shall hinder an officer appointed by the Council from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings.

Further powers as to entry upon premises.

(2) Where any premises which the Council are entitled to enter in pursuance of the said section 24 are unoccupied the Council may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

62.—(1) In the event of a meter of a construction and pattern approved by the Minister of Transport or the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

Period of error in defective meters.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Council.

A.D. 1923.

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Power to
recover
charge for
recon-
necting.

63. Any expenses reasonably incurred by the Council in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Council in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

As to maxi-
mum power
which may
be de-
manded.

64.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Council shall not include any supply of energy taken on extraordinary occasions or as a standby supply unless such consumer shall pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Council in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Council under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

As to offices
and show-
rooms.

65. The Council may in connection with and for the purposes of the electricity undertaking fit up show-rooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

Provisions
as to supply
of elec-
tricity by
agreement.

66. If any consumer of electricity supplied by the Council under the terms of any agreement uses the electricity supplied to him by the Council in any manner contrary to the terms of such agreement the Council may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement. Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

67.—(1) Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

A.D. 1923.

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 Receipts
 and ex-
 penses.

(2) Any moneys received by the Council under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking of the Council and shall be applicable accordingly.

PART V.

PARKS AND PLEASURE GROUNDS.

68. When any portion of any park garden or pleasure ground is set apart by the Council for any purpose under section 56 (Power to set apart portions of pleasure grounds for games) of the Act of 1901 and specially laid out and maintained for any such purpose the Council may charge reasonable sums for the use thereof for that purpose.

Charge for
 use of parts
 of recrea-
 tion grounds
 &c. set
 apart for
 certain pur-
 poses.

PART VI.

PUBLIC BATHS.

69. The Council may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes free from any restriction contained in the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same.

Use of
 swimming
 baths in
 winter.

70. The Council may close to the public and may reserve the exclusive use of any swimming bath or open bathing place belonging to them and may grant the use thereof either gratuitously or for payment for swimming contests practices aquatic exercises or for any other entertainment or exhibition or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming bath or open bathing place such sums for the exclusive use of such bath or place or for admission of persons thereto as they may think fit.

Use of
 swimming
 baths for
 exhibitions
 and enter-
 tainments.

A.D. 1923.

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Use of baths
for music
and danc-
ing.

71.—(1) Any swimming bath of the Council when closed under the provisions of section 5 (Power to close swimming baths for a limited period) of the Baths and Washhouses Act 1878 and any portion thereof may although a licence is granted in respect thereof for music and dancing be let otherwise than occasionally and money for admission thereto may be taken at the doors.

(2) The proviso (b) to section 2 of the Baths and Washhouses Act 1899 shall cease to apply to any bath of the Council.

Byelaws as
to family
and mixed
bathing.

72. Notwithstanding anything to the contrary contained in the Baths and Washhouses Acts 1846 to 1899 the following provisions shall have effect :—

(1) The power of the Council to make byelaws for the management use and regulation of the public baths shall extend to enable them to permit any swimming bath to be used for the purpose of family bathing (that is to say by any male and female members of families bathing together at the same time) or of mixed bathing (that is to say by males and females bathing together at the same time) during such hours and subject to such regulations as shall be prescribed in such byelaws. Provided that by such byelaws provision shall be made for ensuring that separate dressing accommodation shall be provided and used by males above eight years old and females respectively and proper costumes worn :

(2) The provisions of sections 10 and 11 of the Baths and Washhouses Act 1878 shall apply in reference to such byelaws as if the same were made under that Act and the Council may accordingly exercise all the powers conferred upon them by the said sections in reference to the enforcement of such byelaws.

PART VII.

STREETS BUILDINGS SEWERS AND DRAINS.

Continua-
tion of
existing
street to be
deemed new
street.

73. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the district be deemed to be a new street.

74.—(1) The power of the Council to make byelaws with respect to new streets under the provisions of section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section the expression “intersecting street” means a side or cross street forming a junction with another street.

A.D. 1923.

Byelaws as to intersecting streets.

(2) Section 79 (Intersecting streets) of the Act of 1901 is hereby repealed.

75.—(1) When a road footpath or way within the district is about to become a new street within the meaning of the Public Health Acts but the land on only one side of such street has been or is in course of being built on the Council may in any case in which they would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the district require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

Widening of roads when only one side is built upon.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Council. Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

76. The Council may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Council be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

Exchange of parts of streets disused.

A.D. 1923.

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Building
line in new
streets.

77.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Council by virtue of any enactments or byelaws with respect to streets and buildings in force within the district distinctly define and mark on a plan to be drawn to such scale as the Council may require and to be prepared and submitted by such person to the Council for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called “the building line”) and the Council shall be deemed to have approved any building line as shown unless within one month after the date of submission thereof as aforesaid they shall have signified to the person submitting the same their disapproval thereof.

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Council nor beyond or in front of the building line approved by the Council and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Council.

(4) In the event of the Council requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one-half of the width of the street and six feet in addition the Council shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Council determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889. A.D. 1923.
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78. Whenever application shall be made to the Council to approve the laying out of or notice shall be given to the Council of intention to lay out a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Council may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Council with plans and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished. Develop-
ment
scheme may
be required
in connec-
tion with
new streets.

79—(1) Any person deeming himself aggrieved by any requirement of or by the Council under either of the last two preceding sections of this Act may within fourteen days from the date of such requirement appeal to a petty sessional court and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. Appeal to
petty ses-
sional court.

(2) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the petty sessional court may direct.

80. The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or cinder in upon or under the streets of the district of such dimensions and in such positions as the Council may from time to time determine. Street
orderly bins.

81. The Council may erect or fix street fire alarms in such positions in any street road or public place within the district as they think fit Provided that nothing in Fire alarms.

A.D. 1923. — this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Erection of
bridges.

82. All bridges (other than bridges which the inhabitants are by law liable to maintain and repair and other than bridges authorised to be made by any railway company) hereafter erected and which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Council approve and shall be built in accordance with specifications plans and sections to be submitted to and approved by the Council and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Council may remove alter or pull down any work begun or done in contravention of this section and recover the expenses from such person summarily.

For pre-
venting
water flow-
ing on foot-
path.

83. Where premises abutting upon any street are so situate that the surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Council for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For pre-
venting soil
&c. from
being
washed into
streets.

84. The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent soil sand clay cinders or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

For the purposes of this section "public street" means so much of a street repairable by the inhabitants at large as is sewered and "private street" means a street not so repairable: A.D. 1923.

Provided that such owner or occupier shall not be responsible for any soil sand clay cinders or other substances from land other than his own although such soil sand clay cinders or other substances may have passed over the land of such owner or occupier. Provided further that this section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

85.—(1) The owner or owners of premises the occupiers of which use in common any court or yard or passage (not being a highway repairable by the inhabitants at large) or any part of such court yard or passage shall if so required by the Council flag asphalt concrete or pave such court yard or passage or any part thereof and make a drain through or along the same and provide gulleys and grids in suitable positions and at proper levels and keep such flagging asphaltting concreting or paving and drains gulleys and grids in good repair. Courts to be flagged.

(2) If such owner or owners shall for two months after notice in writing from the Council fail in any respect to comply with any requirements of the Council under the provisions of subsection (1) of this section he or they shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Council may themselves if they think fit do the work and recover the expense incurred by them in that behalf from such owner or owners.

86.—(1) Before any person shall erect on any land within the district a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Council plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Council. As to erection of retaining walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Council requiring him so to do fail to put such wall in proper repair shall without prejudice to any

A.D. 1923. other right or remedy of the Council be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as
to buildings
&c.

87. The Council may make byelaws with respect to the following matters viz :—

- (1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act :
- (2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united :
- (3) The testing of drains of new buildings.

Byelaws as
to admis-
sion of light
to buildings.

88. Section 157 of the Public Health Act 1875 shall be extended so as to empower the Council to make byelaws for securing the adequate lighting of buildings.

Sanitary
conveni-
ences for
workmen
engaged on
buildings.

89.—(1) The contractor or builder engaged in or upon the construction or reconstruction of any building or of any works in the district shall where practicable provide to the reasonable satisfaction of the Council and until the completion of any such construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Area of
habitable
rooms.

90. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the district shall have effect as if the words “ and floor area ” had been inserted therein after the word “ height ” in subsection (1) of that section.

As to dan-
gerous
buildings.

91.—(1) In any case where a building shall have been reported to the Council as dangerous to the inmates thereof or persons working therein or in the case of any

building which may appear to the Council on the report of the surveyor to be dangerous to such inmates or persons the Council may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same. A.D. 1923.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Council in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Council with respect to dangerous structures in the district.

92.—(1) Every building erected after the passing of this Act which exceeds two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Council under the circumstances of the case and the owner of such building shall not allow the building to be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto. Means of escape from buildings in case of fire.

(2) From and after the first day of January nineteen hundred and twenty-four the Council in the case of every existing building exceeding two storeys in height and used or intended to be used as a tavern hotel hospital

A.D. 1923. — boarding-house common lodging-house or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in their opinion such building is not provided with proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling or sleeping in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Council make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Council provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Council under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Council under either of the said subsections.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Council under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Council under this section he may apply to the county court and thereupon the county court after hearing the occupier

may make such order as appears to the court just and equitable under all the circumstances of the case. A.D. 1923.
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(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Council and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(8) This section shall not apply to premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

(9) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

93. If in any street not repairable by the inhabitants at large the Council for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Power to require specially enlarged sewer in new street.

94. If the owner or occupier of any premises within the district desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Council with which he is entitled to have such sewer or drain to communicate such communication shall be made by the Council upon the cost or estimated cost of making the communication being paid to the Council or the payment thereof to them being secured to their satisfaction and the Council may execute all works necessary for that purpose.

Council to make communication between drains and sewer.

95.—(1) If a water-closet drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger could not have been avoided by the exercise of reasonable care be liable to a fine not exceeding twenty pounds.

Improper construction or repair of water-closets &c

A.D. 1923.
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(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

As to repair
of private
drains.

96. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if they think fit.

Power to
lay drains
in private
streets.

97. The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter re-lay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Notice of
intention
to repair
drains.

98.—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Council without giving to the Council twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over

the drain without giving the like notice of his intention to do so. A.D. 1923.

(2) Free access to such drain or work of repair shall be afforded to the surveyor or any officer of the Council authorised in writing by him for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

99.—(1) The soil pipe of any water-closet within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Council shall direct. Soil pipes to be ventilated.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Council under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

100.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Council or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds. Prohibiting entry of petrol &c. into sewers.

(2) In this section the expression “ petroleum spirit ” means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in Schedule I. to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit’s thermometer.

101. The powers given by section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner. Provisions as to combined drainage for two or more houses.

102. If any person causes any drain water-closet earth-closet privy or ashpit in the district to be a Wilful damage to drains

A.D. 1923. —
water-closets
&c. nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds. Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Saving as to
railway
companies.

103. The provisions of this Part of this Act shall not extend or apply to any building (not used as a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired by such company and used for the purposes (other than for a dwelling-house) of the undertaking of such company with the authority of Parliament.

PART VIII.

WATERCOURSES.

Streams not
to be cov-
ered over
obstructed
or diverted
except in
accordance
with plans.

104.—(1) It shall not be lawful to culvert cover over stop up obstruct or divert any stream or watercourse within the district except in accordance with plans and sections to be submitted to and approved by the Council such approval not to be unreasonably withheld or delayed and any person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

Provided that—

- (a) no requirement of the Council in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;

(b) if with the consent of such owner the Council shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Council. A.D. 1923.
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(2) If any difference shall arise between the Council and such owner as to the expediency or necessity of the works required by the Council to be executed under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

105. Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto or to hinder the usual effectual drainage of water through the same shall be deemed to be a nuisance within the meaning of section 91 (Definition of nuisances) of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every river stream or watercourse notwithstanding that the same may not be injurious to health. Rivers streams &c. choked up to be a nuisance under Public Health Act 1875.

106.—(1) If any watercourse or ditch in the district situate upon land partially or wholly built upon or laid out for building or upon land on which any such land abuts requires in the opinion of the Council to be wholly or partially filled up or covered over the Council may by notice in writing require the owner of such land (in the case of land laid out for building before any building is commenced or proceeded with) to execute such works as may in their opinion be necessary for effecting the objects aforesaid or for substituting for such watercourse or ditch a pipe drain or culvert with all necessary shoots and means of conveying surface water thereinto. As to covering of ditches &c.

A.D. 1923.

—

(2) All works required by the Council to be done under this section shall be completed to the satisfaction of the surveyor.

(3) Any person who shall be guilty of any act or omission in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Provided that nothing in this section shall authorise the Council to require the filling up or covering over of any watercourse or ditch wholly or partially belonging to any other person than the owner of the land in respect of which the said notice in writing is served.

Penalty for
throwing
rubbish into
streams.

107. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the district so as to interfere with the due flow of water in any such stream or brook shall be liable to a penalty not exceeding five pounds.

Further
saving for
railway
companies.

108. Nothing in the section of this Part of this Act of which the marginal note is "Streams not to be covered over obstructed or diverted except in accordance with plans" shall apply to any culvert or covering constructed or to be constructed by any railway company under the powers of any Act of Parliament and nothing in the section of this Part of this Act of which the marginal note is "As to covering of ditches &c." shall apply to any watercourse or ditch on any land held or acquired by a railway company and used for the purpose of the undertaking of such company with the authority of Parliament.

PART IX.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Power to
close Sun-
day schools
and exclude
children
from enter-
tainments.

109.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the district require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion

of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with. A.D. 1923.
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(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

110.—(1) No person being the parent or guardian having the care or charge of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Council or of the education committee of the Council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the district without having procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others. Restriction
on attend-
ance of
children at
Sunday
schools and
places of
assembly
when infec-
tious disease
prevails.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this and the preceding section "Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday.

111.—(1) Any parent or guardian having personal charge of a child in attendance at a school who is aware of or has reason to suspect the occurrence of any infectious disease in any member of the family and who fails forthwith to notify such occurrence to the head teacher of the school shall be liable to a penalty not exceeding twenty shillings. Notification
of infectious
disease to
teachers.

(2) In any proceedings under this section a certificate purporting to be under the hand of a head teacher of a school stating that he has or has not received any notification as required by this section shall be evidence of the facts stated in the certificate.

A.D. 1923.

Extended meaning of "infectious disease" for certain purposes.

Power to compensate persons for ceasing employment to prevent spread of disease.

Penalty on withholding information from medical officer.

Removal of body of person who has died of infectious disease.

112. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles german measles whooping cough chicken pox and influenza.

113. If any person shall at the request of the Council or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Council may make compensation to him for any loss he may sustain by reason of such stoppage.

114.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer or the deputy medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any person refusing to furnish such information or knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

115. When any person suffering from infectious disease shall die of such disease in the district the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds.

116. Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

For prevent-
ing contact
with body of
person who
has died of
infectious
disease.

117.—(1) The owner of any dwelling-house erected after the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house and the owner of any dwelling-house erected before the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy the same or allow the same to be occupied shall respectively be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to houses
without
water
supply.

(2) Provided that—

- (a) the owner of any dwelling-house erected before the passing of this Act shall not be liable to the penalties provided by subsection (1) of this section unless the Council shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house with a proper and sufficient water supply within such dwelling-house;
- (b) the Council shall repay to the owner of any such dwelling-house erected before the passing of this Act one-third of the amount reasonably expended by him in complying with the requirements of such notice (including the cost of providing and fixing any necessary sink and connection to the drain);
- (c) this section shall not apply to a dwelling-house erected before the passing of this Act which has no scullery or to any dwelling-house in respect of which a sewer or drain and a water main are not reasonably available.

118.—(1) If the owner of any dwelling-house or premises occupied therewith represents to the Council that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Council duly authorised in that behalf

As to filthy
premises.

A.D. 1923. — may enter upon such dwelling-house or premises and inspect the same and if such officer is satisfied of the truth of the representation of such owner the occupier shall be liable on the information of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order and any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

(2) Any expenses incurred by the Council under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

Houses infested with vermin to be cleansed.

119.—(1) If the medical officer or the sanitary inspector has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer or sanitary inspector it appears to the Council that any house is infested with vermin the Council shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wall paper or other covering from the walls of such house or the portion thereof specified in the notice and to take such other steps for the purpose of destroying and removing vermin as the case may require.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Council may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Council in so doing shall (subject as hereinafter provided) be recoverable from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Council in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. A.D. 1923.

(5) Upon any proceedings under this section the court may inquire as to whether any requirements contained in any notice given or any work done by the Council was reasonable and as to whether the costs and expenses incurred by the Council in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

(6) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

120.—(1) The medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may within the district examine the person and clothing of any child (other than children in boarding schools including reformatory and industrial schools) and if on examination the medical officer or any such authorised person as aforesaid shall be of opinion that the person or clothing of any such child is infested with vermin or is in a foul or filthy condition the medical officer may give notice in writing to the parent or guardian or other person who is liable to maintain or has the actual custody of such child requiring such parent guardian or other person to cleanse properly the person and clothing of such child within twenty-four hours after the receipt of such notice. Cleansing
of children
and their
clothing.

(2) If the person to whom any such notice as aforesaid is given fails to comply therewith within the prescribed time the medical officer or some person provided with and if required exhibiting the authority in writing of the medical officer may remove the child referred to in such notice and may cause the person and clothing of such child to be properly cleansed in suitable premises and with suitable appliances and if necessary for that purpose may without any warrant other than this Act

A.D. 1923. convey to such premises and there detain such child
— until such cleansing is effected.

(3) Where after the person or clothing of a child has been cleansed under the provisions of this section the parent or guardian or other person liable to maintain the child allows him to get into such a condition that it is again necessary to proceed under this section the parent guardian or other person shall on summary conviction be liable to a fine not exceeding ten shillings.

(4) The examination or cleansing of females under this section shall only be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(5) Any notice required to be given under this section shall be deemed to be properly served by giving it to the person to whom it is addressed or leaving it for him with some inmate of his residence or by sending the same by post in a registered letter to his usual or last known residence. In any such notice it shall be sufficient to designate the person to be served as the parent guardian or other person liable to maintain or having the actual custody of the child whose person or clothing requires to be cleansed.

Cleansing of
verminous
persons.

121.—(1) The Council may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is under the age of sixteen years) consents to his leaving the house to be removed therefrom to such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who or (where the person is under the age of sixteen years) whose parent or guardian does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where a court of summary jurisdiction on the application of the Council and on

being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Council shall in every case cause the removal and detention to be effected and the condition of any order satisfied without charge to the person removed or to the parent or guardian of that person. A.D. 1923.
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(2) The examination or cleansing of females under this section shall be effected either by a person duly qualified as a medical practitioner or by a female person being a member of the staff of the medical officer.

(3) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(4) If any person at the request of the Council or under an order of such court shall cease his employment in order to comply with such order the Council may and in case of an order of the court shall make compensation to him for any loss he may suffer thereby.

(5) For the purposes of this section the word "house" includes any tent van shed or similar structure used for human habitation.

(6) This section shall not apply to a child.

122.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained. Public notice to be given of provisions of this Part of Act.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate signed by an officer or servant of the Council that the notice required by this section has been affixed outside the Council offices and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could readily be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

A.D. 1923.

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Regulation
bins for
refuse &c.

123.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop in the district to provide portable galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Council.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

(3) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with his obligations under subsection (2) of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings :

Provided that this section shall not apply to any ashpits or ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

.Provision
of public
slaughter-
houses and
prohibition
of private
slaughter-
houses
thereafter.

124.—(1) At any time after the passing of this Act the Council may :—

(a) Acquire by agreement any premises within the district used for the purpose of slaughtering cattle (hereinafter referred to as a “slaughter-house”) and the interest or interests of any owner lessee or occupier of such premises ;

(b) Agree with the owner lessee and occupier of any slaughter-house for the abolition of slaughtering therein on such terms and conditions as may be arranged between the parties.

(2) At any time after the expiration of three years from the passing of this Act and after the Council have provided an adequate slaughter-house in a convenient position (to the satisfaction of the Ministry of Health) and after the expiration of six months from the date of publication by the Council in a local newspaper circulating in the district of notice to that effect no person shall slaughter in the way of trade any cattle within the district except in slaughter-houses provided by the Council but this restriction shall not apply to the

slaughtering on premises by the owner lessee or occupier thereof of any cattle belonging to him and not slaughtered for the purpose of trade or by a farmer on premises occupied by him for agricultural purposes only and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds. A.D. 1923.

(3) The Council shall pay or tender compensation to the owner and occupier of any slaughter-house registered prior to the passing of the Public Health Act 1875 and of any slaughter-house the licence in respect of which is not required to be renewed periodically and closed under the provisions of this section and the amount of such compensation shall in case of difference be settled as cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of the closing of such slaughter-house.

(4) The fees and charges to be demanded and received by the Council in respect of the use of any slaughter-house provided by them or of any convenience connected therewith shall be regulated by byelaws to be approved by the Minister of Health and the Council may make byelaws accordingly Provided that the Council shall have power to charge for any slaughter-house let at a weekly monthly or other rent such sum as may be agreed upon by the Council and the renters.

(5) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Minister of Agriculture and Fisheries made or granted thereunder.

125.—(1) (a) The Council may by written notice to the owner and occupier of any registered slaughter-house within the district which from its situation or construction is in the opinion of the Council injurious or dangerous to the public health require that the premises shall cease to be used as a slaughter-house on and after such date (not being less than six months from the service of such notice) as may be specified in the notice

Power to close slaughter-houses if injurious to public health.

A.D. 1923. and no person shall after such date slaughter in the
— way of trade any cattle horse sheep or pig on the said premises.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Council shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements in regard thereto and if within the said period of three months the owner or occupier of such slaughter-house or either of them shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Council.

(c) Provided also that any such owner or occupier may within one month after receiving any such notice in writing from the Council object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Council and the owner or occupier making the same be determined on appeal to the Minister of Health by that Minister and unless and until that Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Council shall make compensation to the owner and occupier of any registered slaughter-house who shall be injuriously affected by any requirement of the Council under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance to this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

PART X.

A.D. 1923.

HUMAN FOOD.

126.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity who within the district—

For regu-
lating manu-
facture and
sale of ice
cream &c.

- (a) causes or permits ice cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping room or in any cellar room or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or
- (b) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or
- (c) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice cream or other similar commodity to give notice thereof to the medical officer;

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any persons so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Council in that behalf may seize and destroy all ice cream or similar commodity or materials for the manufacture of the same in any of such premises and the Council shall compensate the owner of the ice cream or similar commodity or materials so destroyed.

(3) Every dealer in ice cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand must have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

A.D. 1923.

(4) (a) The medical officer and the sanitary inspector and any other officer who is duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer or vendor of or merchant or dealer in ice cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Council would have under section 102 (Power of entry of local authority) of the Public Health Act 1875 in the cases therein mentioned.

(b) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Rag and
bone dealers
not to sell
food.

127.—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of a rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the district any articles of food from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connection with the business of rag and bone merchants.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Byelaws for
securing
cleanliness
of food
during con-
veyance
through
streets.

128. The Council may from time to time make byelaws for securing the cleanliness and protection from contamination of articles intended for human food while being conveyed through or along any street :

Provided that before making any such byelaws applicable to the collection and delivery by any railway company or their contractors or agents of traffic in meat or other articles of food at from or to any railway or depôt of such company the Council shall give not less than one month's notice to the company of the Council's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the company shall be entitled to make representations to the Minister of Health with regard thereto.

129.—(1) Subject to the provisions of this Act the medical officer and the sanitary inspector or any officer duly authorised by the Council in that behalf shall at all reasonable times have power to enter the premises of any vendor of or merchant or dealer in any commodity intended for the food of man or any premises where any such commodity is for the purposes of sale deposited or stored or in preparation for sale for the purpose of inspecting such premises and the materials or commodities or articles of food therein.

A.D. 1923.

—
Power to enter and inspect premises where food is deposited for sale.

(2) On any such inspection the said sanitary inspector or officer of the Council shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor if required and if he intends to submit any sample to analysis he shall forthwith notify to the vendor merchant or dealer or the agent of such person his intention to have the same analysed and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such vendor merchant dealer or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the analyst.

130.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Larders to be provided.

(2) (a) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

A.D. 1923.

—

(b) Any owner aggrieved by any requirement of the Council under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right of appeal shall be endorsed on every requirement of the Council under this subsection.

(c) If in any case the owner alleges that the occupier of any dwelling-house in respect of which any work is required to be executed under the provisions of this subsection ought to bear or contribute to the expenses of the execution of such work he may apply to a court of summary jurisdiction and such court shall have power to make such order as the court may think fit.

No place
used for
storage &c.
of human
food to be
used as a
sleeping
place.

131.—(1) No room shop or other part of a building in which any food is sold or prepared or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall be used as a sleeping place.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building as a sleeping place in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of the provisions of this section and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Sanitary
regulations
for premises
used for sale
&c. of food

132.—(1) From and after the passing of this Act the following provisions shall apply to any room shop or other part of a building within the district in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited

for the purpose of sale or of preparation for sale or with a view to future sale :— A.D. 1923.

- (a) No urinal water-closet earth-closet privy ashpit or other like sanitary convenience shall be within such room shop or other part of the building or shall communicate therewith except through the open air or through an intervening ventilated space ;
- (b) No drain or pipe for carrying off faecal or sewage matter shall have any inlet or opening within such room shop or other part of the building ;
- (c) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of the building except so far as may be reasonably necessary for the proper carrying on of the trade or business ;
- (d) Due cleanliness shall be observed in regard to such room shop or other part of the building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of the building.
- for human consumption.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of the building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section he shall be liable to a penalty not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901.

PART XI.

POLICE PROVISIONS.

133.—(1) The Council may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the district to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals

Inspection and certification of taximeters.

A.D. 1923. of time as the Council may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

(2) The Council shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

Byelaws as
to hackney
carriages.

134. The power to make byelaws conferred upon the Council by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say):—

- (a) For the examination and inspection of hackney carriages at such time and place as the Council may appoint within one month before the annual licensing day:
- (b) For the inspection of every hackney carriage at all reasonable times when required by the inspector of hackney carriages appointed by the Council:
- (c) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the byelaws of the Council respecting the fitness of hackney carriages for public hire:
- (d) For the fixing of fares to be charged for the use of any motor hackney carriage by time and distance combined:
- (e) For the provision of a deposit of a reasonable sum by the owner of every motor hackney carriage applying for a licence for such carriage as a security for the number plate fare plate and inside number plate and for the deposit by the driver of every motor hackney carriage of a reasonable sum as security for his badge:
- (f) For the furnishing by the owner of every hackney carriage to the inspector of hackney carriages

or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made: A.D. 1923.
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- (g) For the notification in writing to the clerk by the driver of any hackney carriage of any change in his place of abode.

135. Every person who shall on Sundays in any street or public place within the district call or shout or ring any bell or use any other noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty for crying newspapers.

PART XII.

OFFENSIVE TRADES.

136.—(1) For the purposes of section 112 (Restriction on establishment of offensive trade in urban district) of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if without the consent in writing of the Council— Defining establishment of a new business for purposes of section 112 of Public Health Act 1875.

- (a) it is removed from one set of premises to any other premises; or
- (b) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or
- (c) any premises on which it is for the time being carried on are enlarged;

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Council to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may

A.D. 1923. — be given so as to continue in force for such period only as the Council may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Discontinu-
ance of
offensive
trade.

137.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act and in the opinion of the Council it is inexpedient in the interests of public health that such trade should be carried on in such premises the owner or occupier of the same may be required after six months' notice in writing by the Council under the hand of the clerk to cease to use such premises for the carrying on of such offensive trade :

Provided that the formation or expression by the Council of an opinion under this subsection shall be deemed to be a determination of the Council within the meaning of the section of the Act of 1901 of which the marginal note is " As to appeal " and that the provisions of that section shall accordingly apply with respect to such opinion as well as to any requirement by the Council under this subsection.

(2) Any person who fails or neglects to comply with the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Council require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person such compensation for any loss sustained by him in consequence of the action of the Council as may be agreed between the Council and such person or as failing such agreement shall be determined by arbitration under the provisions of the Arbitration Act 1889 Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Council shall have been given for a period only unless the Council shall have required that the user of such premises for the

carrying on of an offensive trade shall cease before the expiration of such period. A.D. 1923.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Council with reference to offensive trades.

PART XIII.

FINANCE.

138.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenue fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the fourth column thereof (namely) :—

Purpose.	Amount.	Charge.	Period for Repayment.
(a) For and in connection with the purchase of lands and easements for the purpose of the waterworks authorised by this Act and for the construction of such works.	£ 112,300	The revenue of the water undertaking and the district fund and the general district rate.	Sixty years from the date or dates of borrowing.
(b) For and in connection with the purchase of lands and easements for the purpose of the sewerage works authorised by this Act and for the construction of such works.	4,250	The same.	Thirty years from the date or dates of borrowing.

A.D. 1923.

Purpose.	Amount.	Charge.	Period for Repayment.
(c) For the construction of filter beds at the existing waterworks of the Council and mains and other purposes in connection with the supply of water by the Council.	£ 21,000	The same.	Thirty years from the date or dates of borrowing.
(d) For paying the costs charges and expenses of this Act.	The sum requisite.	The same.	Five years from the passing of this Act.

(2) (a) The Council may also—

(i) With the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes (other than the purposes of Part IV. (Electricity)) of this Act including as such purposes any payments made or to be made by the Council to the rural district councils of Lutterworth and Oxendon under the agreements set forth in the Second Schedule and to the rural district council of Brixworth under the agreement referred to in the section of this Act whereof the marginal note is “Agreement with Brixworth Rural District Council in regard to sewage works”; and

(ii) With the consent of the Electricity Commissioners borrow such money as may be necessary for the purposes of Part IV. (Electricity) of this Act.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge such revenue fund or rate as may be prescribed by the Minister or Commissioners with whose consent such money is borrowed.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent such money is borrowed.

(3) The provisions of this section prescribing the revenue fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Council by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes." A.D. 1923.

139. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Section 234 of Public Health Act not to apply.

140. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in section 144 (Regulations as to sinking fund) of the Act of 1901 shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act. Method of raising money.

141. Notwithstanding anything in the recited Acts or in this Act contained it shall not be obligatory upon the Council to make the first payment to the sinking fund or to pay the first instalment of principal for the repayment of money borrowed for and in connection with the purchase of lands and easements for the purpose of the waterworks authorised by and the construction of the works specified in the section of this Act the marginal note whereof is "Power to make waterworks" under the provisions of the section of this Act the marginal note whereof is "Power to borrow" until the completion of the waterworks or until the expiration of the third year from the date of borrowing whichever shall first happen. Postpone-ment of sinking fund.

142.—(1) The Council shall have power—

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or
 - (b) To borrow in order to replace moneys which during the previous twelve months have been
- Power to re-borrow.

A.D. 1923.

temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be paid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 146 (Power to re-borrow) of the Act of 1901 is hereby repealed.

Power to invest all sinking funds in statutory securities.

143. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use one form of mortgage for all purposes.

144.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Third Schedule or to the like effect. A.D. 1923.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

A.D. 1923.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to
use sinking
fund instead
of borrow-
ing.

145—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(a) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh

security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or. A.D. 1923.
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- (b) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

- (a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund;
- (b) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as that Minister shall require.

146. Section 144 (Regulations as to sinking fund) of the Act of 1901 is hereby amended by the substitution of "three pounds ten shillings per centum" Sinking fund payments.

A.D. 1923. “ per annum or such other rate as may from time to
— “ time be sanctioned by the Minister of Health ” in lieu
of the words “ three per centum per annum.”

Returns as
to sinking
funds.

147.—(1) The clerk shall within forty-two days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Council in pursuance of any statutory borrowing power and not raised by the issue of stock or at any other time when the Minister of Health may require such a return to be made transmit to the Minister a return in such form as may be prescribed by the Minister and if required by the Minister verified by a statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Minister may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Minister shall require and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(2) If it appears to the Minister by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Minister in virtue thereof to be paid

appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court. A.D. 1923.
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148. The following provisions of the Act of 1901 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act namely :— Application of financial provisions of Act of 1901.

- Section 141 (Sections of Public Health Act as to mortgages to apply);
- Section 144 (Regulations as to sinking fund) as amended by this Act;
- Section 147 (Council not to regard trusts);
- Section 148 (Protection of lender from inquiry);
- Section 150 (Application of borrowed moneys);
- Section 155 (Expenses of execution of Act); and
- Section 163 (Informations may be laid by duly authorised officer).

149. Where more persons than one are registered as joint holders of any mortgage of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council or the treasurer by any other of them. Interest on mortgages held jointly.

150. The powers of section 221 (Rates may be amended) of the Public Health Act 1875 shall extend to enable the Council to amend any rate made by them in pursuance of such Act so as to make the assessment to such rate accord with any new or supplementary valuation list made during the currency of such rate. Rates may be amended to accord with new or supplementary valuation list.

PART XIV.

MISCELLANEOUS.

151. The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Council to subscribe to any hospital infirmary dispensary or other institution of a similar character such sum or sums as they may from time to time think fit not exceeding in any year the amount which would be produced by the Power to Council to subscribe to hospitals &c.

A.D. 1923. levying of a general district rate of one penny in the pound and to charge the amount of such subscriptions to or apportion the same among all or any of their funds and revenues.

Ejection of steam and gas to annoyance of public.

152. All steam or waste gas ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam or waste gas ejected from any locomotive boiler or engine now or hereafter belonging to any railway company or from any mechanically propelled road vehicle Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Power to enter premises.

153. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part VII. (Streets buildings sewers and drains) Part VIII. (Watercourses) Part IX. (Infectious disease and sanitary provisions) and Part X. (Human food) of this Act as if those purposes had been mentioned in the said section 102.

General provisions as to byelaws.

154. The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of byelaws);

Section 183 (Power to impose penalties on breach of byelaws);

Section 184 (Confirmation of byelaws); and

Section 185 (Byelaws to be printed &c.);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act.

Evidence of appointments authority &c.

155. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under this Act or under any general or local Act for the time being in force in the district it

becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1923.

156. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. Recovery of demands.

157. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts. Compensation &c. how to be determined.

158. The following provisions of the Act of 1901 shall apply and have effect as if they were with the necessary alterations re-enacted in this Act namely:— Application of miscellaneous provisions of Act of 1901.

Section 164 (Authentication and service of notices);

Section 165 (As to appeal);

Section 166 (Recovery of penalties);

Section 167 (Penalties to be paid to treasurer);

Section 168 (Saving as to indictments);

Section 169 (Judge not to be disqualified by payment of rates); and

Section 174 (Power to Local Government Board to direct inquiries).

159. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any As to breach of conditions of consent of Council.

A.D. 1923. — work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Consent of Council to be in writing.

160. All consents given by the Council under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

In executing works for owner Council liable for negligence only.

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

Damages and charges to be settled by justices.

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

Apportionment of expenses in case of joint owners.

163. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be

paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. A.D. 1923. —

164. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under Part VII. (Streets buildings sewers and drains) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. Penalty on occupier refusing execution of Act.

165. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein. Application of section 265 of Public Health Act 1875.

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

167. Where the payment of more than one sum by any person is due under any of the recited Acts or this Act any summons or warrant issued for the purposes of any of the recited Acts or this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Summons or warrant may contain several sums.

A.D. 1923.

Crown
rights.

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

Costs of
Act.

169. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the district fund and general district rate and ultimately may be paid out of money to be borrowed under the powers of this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1923.

FIRST SCHEDULE.

RECITED ACTS.

Short Title.	Session and Chapter.
The Rugby Waterworks Act 1863 -	26 Vict. c. xxxiii.
The Rugby Electric Lighting Order 1899 confirmed by the Electric Lighting Orders Confirmation (No. 4) Act 1899.	62 & 63 Vict. c. xxxvi.
The Rugby Water and Improvement Act 1901.	1 Edw. 7 c. cclxix.

SECOND SCHEDULE.

THIS AGREEMENT made the third day of May one thousand nine hundred and twenty-three between the URBAN DISTRICT COUNCIL OF RUGBY (hereinafter called "the Rugby Council") of the one part and the RURAL DISTRICT COUNCIL OF LUTTERWORTH hereinafter called "the Lutterworth Council") of the other part.

WHEREAS the Rugby Council are promoting in the present session of Parliament a Bill (hereinafter called "the Bill") whereby they are seeking power among other things to make and maintain certain waterworks including an impounding reservoir (in the Bill described as "Work No. 1") on the River Avon situate partly in the parish of South Kilworth in the district of the Lutterworth Council and a line or lines of pipes (in the Bill described as "Work No. 3") from the said reservoir to an existing suction well of the Rugby Council in the parish of Brownsover :

And whereas for the purpose of preventing the pollution of the water to be impounded by means of the said reservoir the Rugby Council are also seeking power by the Bill to make certain sewerage works in the said parish of South Kilworth including

A.D. 1923. sewers in the Bill described as "Works Nos. 6 7 8 and 9" (hereinafter called "the sewers") and sewage purification works (in the Bill described as "Work No. 10") situate in the eastern portion of the enclosure numbered 60 on the 25¹/₀₀ Ordnance map Northamptonshire sheet XXII. 7 and Leicestershire sheet LIII. 7:

Now it is hereby agreed between the parties hereto as follows (that is to say):—

1. If before the Rugby Council commence to supply water by means of the said reservoir the Lutterworth Council shall give to the Rugby Council notice in writing of the desire of the Lutterworth Council to take a supply of water in bulk from the Rugby Council for distribution by the Lutterworth Council throughout the parishes of Swinford South Kilworth and Catthorpe the Rugby Council shall subject to the provisions of section 39 (Contracts for supplying water in bulk) of the Rugby Water and Improvement Act 1901 supply and the Lutterworth Council shall take for the supply of the said parishes water in bulk which shall be delivered and measured at a point to be selected by the Rugby Council on the line of the said Work No. 3 and within the area of the said parishes. Save as aforesaid all the terms and conditions governing the said supply (including the price to be paid for the water) shall be settled by agreement between the Rugby Council and the Lutterworth Council or failing such agreement by arbitration in manner hereinafter provided.

2. The sewers shall be constructed of sufficient size to carry the storm water which under present circumstances enters the existing sewers of the Lutterworth Council with which the sewers are proposed to connect.

3. If the owner for the time being of the said enclosure numbered 60 on the said 25¹/₀₀ Ordnance map and the owner and occupier of the house numbered 74 on the said Ordnance map shall prior to the commencement of the construction of the said reservoir give notice in writing to the Rugby Council that they desire the said sewage purification works to be constructed in the southern portion of the said enclosure numbered 60 to the south-east of "The Moats" instead of in the position shown on the plans deposited in connection with the Bill and if the owner for the time being of the said portion of the said enclosure shall convey to them the land so required the Rugby Council shall construct the said works in the said southern portion of the said enclosure instead of in the situation shown on the said deposited plans.

4. The sewers and the said sewage purification works shall be constructed in accordance with the requirements of the Ministry of Health and when constructed shall be maintained by the Rugby Council until they are transferred to the Lutterworth Council under the powers in that behalf contained in the Bill.

5. Prior to the completion by the Rugby Council of the sewage works in the parish of South Kilworth hereinbefore referred to the Lutterworth Council shall construct and complete at their

sewage works at North Kilworth in accordance with plans sections and specifications which the Rugby Council shall prepare and under the superintendence of the Rugby Council and their consulting engineer George Bertram Kershaw a tank together with a sludge-drying bed The cost of the said tank and sludge-drying bed as approved and certified by the said consulting engineer shall upon completion of the work be paid by the Rugby Council to the Lutterworth Council.

A.D. 1923.

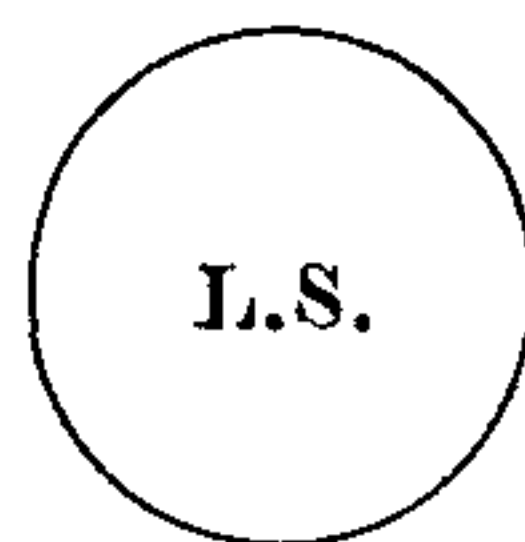
6. If any difference or dispute shall arise between the Rugby Council and the Lutterworth Council with respect to anything contained in or provided for by this agreement or anything to be done under this agreement such difference or dispute shall be referred to the arbitration of a single arbitrator to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either of the parties in difference and save as aforesaid the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to such arbitration.

7. This agreement is made subject to confirmation by Parliament under the Bill and subject to such alterations as Parliament may think fit to make therein but if the Committee of either House of Parliament to whom the Bill is referred shall make any material alteration in this agreement it shall be competent to either of the parties thereto to withdraw the same.

8. The costs and expenses of and incidental to this agreement shall be borne and paid by the Rugby Council.

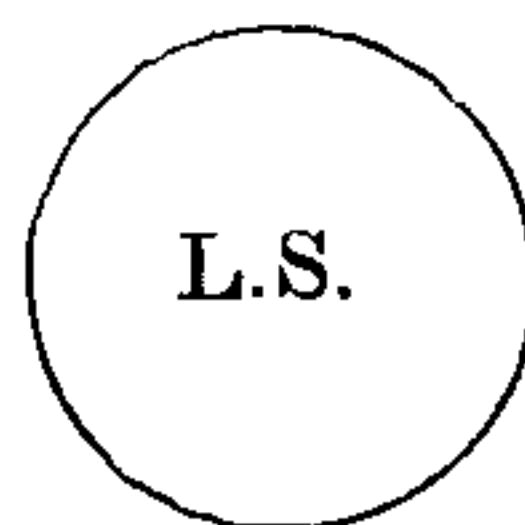
In witness whereof the Rugby Council and the Lutterworth Council have hereunto caused their respective common seals to be affixed the day and year first above written.

The common seal of the urban district
council of Rugby was hereto affixed
in the presence of



T. ARNOLD WISE Chairman.
ARTHUR MORSON Clerk.

The common seal of the rural district
council of Lutterworth was hereto
affixed the third day of May one
thousand nine hundred and twenty-
three in the presence of



THO. C. BODYCOTE clerk to
the Lutterworth Council.

THOS. W. BRICE Chairman.
WILLIAM ABBOTT a member
of the council Lutterworth.

A.D. 1923. — THIS AGREEMENT made the fifteenth day of May one thousand nine hundred and twenty-three between the URBAN DISTRICT COUNCIL OF RUGBY (hereinafter called "the Rugby Council") of the one part and the RURAL DISTRICT COUNCIL OF OXENDON (hereinafter called "the Oxendon Council") of the other part.

WHEREAS the Rugby Council are promoting in the present session of Parliament a Bill (hereinafter called "the Bill") whereby they are seeking power among other things to make and maintain certain waterworks including an impounding reservoir (in the Bill described as "Work No. 1") on the River Avon situate partly in the parish of Welford in the district of the Oxendon Council :

And whereas for the purposes of preventing the pollution of the water to be impounded by means of the said reservoir the Rugby Council are also seeking power by the Bill to make certain sewerage works some of which are designed to be situate in the said parish of Welford :

And whereas for the better effecting of the purpose aforesaid the parties hereto are desirous of arranging in manner hereinafter provided for the execution of certain further works in relation to the sewerage of the said parish :

Now it is hereby agreed between the parties hereto as follows (that is to say) :—

1. Prior to the completion by the Rugby Council of the reservoir described in the Bill the Oxendon Council shall construct and complete the following works :—

- (a) A six-inch cast iron sewer two hundred and twenty feet or thereabouts in length to be laid on piers and to commence at the western end of the existing sewer of the Oxendon Council which takes the sewage from Sulby House and Sulby Cottage in the parish of Welford and now has its outfall into the River Avon and terminating in the existing tank of the Oxendon Council situate at or adjoining the site upon which it is proposed by the Bill to authorise the Rugby Council to construct the pumping station described in the Bill as "Work No. 11";
- (b) The doubling of the cubical content of the existing filter at the sewage outfall works of the Oxendon Council at the west end of the said parish of Welford and the provision of new distributors at the said filter.

2. The said works shall be carried out by the Oxendon Council in accordance with plans sections and specifications which the Rugby Council shall prepare and under the superintendence of the Rugby Council and their consulting engineer George Bertram Kershaw and so as to comply with any requirements of the Ministry of Health.

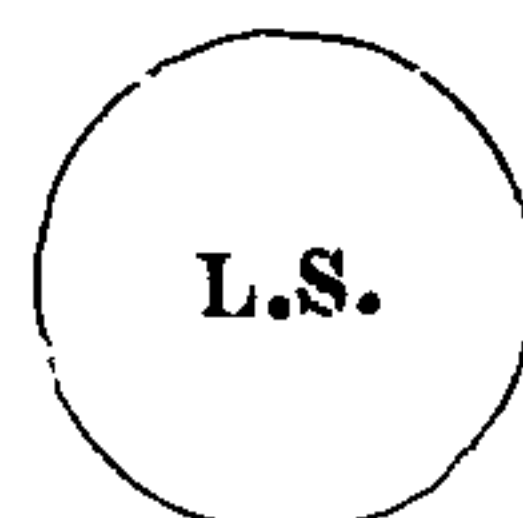
3. Upon completion of the said works the cost thereof as approved and certified by the said consulting engineer shall be paid by the Rugby Council to the Oxendon Council. A.D. 1923.
—

4. If any difference or dispute shall arise between the Rugby Council and the Oxendon Council with respect to anything contained in or provided for by this agreement or anything to be done under this agreement such difference or dispute shall be referred to the arbitration of a single arbitrator to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either of the parties in difference and save as aforesaid the Arbitration Act 1889 or any statutory modification thereof for the time being in force shall apply to such arbitration.

5. This agreement is made subject to confirmation by Parliament under the Bill and subject to such alterations as Parliament may think fit to make therein but if the Committee of either House of Parliament to whom the Bill is referred shall make any material alteration in this agreement it shall be competent to either of the parties thereto to withdraw the same.

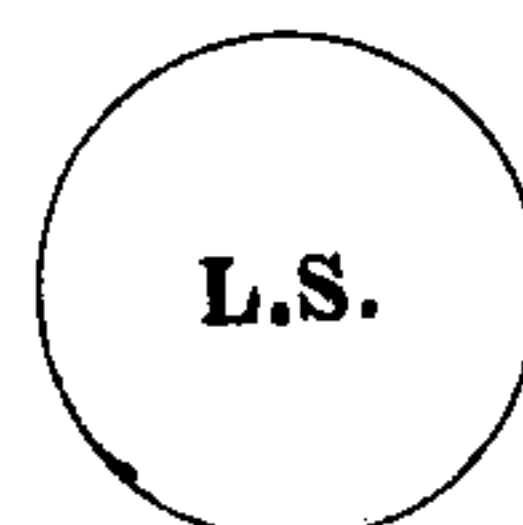
In witness whereof the Rugby Council and the Oxendon Council have hereunto caused their respective common seals to be affixed the day and year first above written.

The common seal of the urban district
council of Rugby was hereto
affixed in the presence of }



T. ARNOLD WISE Chairman.
ARTHUR MORSON Clerk.

The common seal of the rural district
council of Oxendon was hereto
affixed in the presence of }



ARTHUR W. PULTENEY Chairman.
FRANK TRASLER Clerk.

THIRD SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Rugby Urban District Council Act 1923 and of other their powers in that behalf them enabling the Rugby Urban District Council (hereinafter called "the Council") in consideration of the sum of

pounds paid to the treasurer of the Council by
(hereinafter called "the mortgagee")

A.D. 1923. do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the _____ day of _____ and the _____ day of _____ in each year] And it is hereby agreed that the said principal sum of _____ pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the _____ day of _____ one thousand nine hundred and _____] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this _____ day of _____ one thousand nine hundred and _____.

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____ is hereby extended to the _____ day of _____ one thousand nine hundred and _____ [and the interest to be paid thereon on and from the _____ day of _____ one thousand nine hundred and _____ is hereby

declared to be at the rate of _____ per centum per A.D. 1923.
annum].

Dated this _____ day of
one thousand nine hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I [the within named] _____
[of _____]
in consideration of the sum of _____
pounds paid to me by _____
of _____
(hereinafter called "the transferee") do hereby transfer to the
transferee [his] executors administrators and assigns [the within-
written security] [the mortgage number of the revenues of the
Rugby Urban District Council bearing date the _____ day
of _____] and all my right and interest under the same
subject to the several conditions on which I hold the same at the
time of the execution hereof and I the transferee for myself my
executors administrators and assigns do hereby agree to take the
said mortgage security subject to the same conditions.

Dated this _____ day of _____ one
thousand nine hundred and _____

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