



CHAPTER cxxiii.

An Act to authorise the West Cheshire Water Board to acquire further waterworks and additional lands and to construct new works to extend their limits of supply and for other purposes. A.D. 1927.
[22nd December 1927.]

WHEREAS the West Cheshire Water Board (in this Act called "the Board") were by the West Cheshire Water Board Act 1925 (in this Act called "the Act of 1925") incorporated for the purposes of acquiring certain water undertakings and waterworks and of supplying water within the limits of that Act:

And whereas by the Hoylake and West Kirby Urban District Council Act 1925 (in this Act referred to as "the Hoylake Act of 1925") the urban district council of Hoylake and West Kirby (in this Act referred to as "the Hoylake Council") were empowered to purchase and have since purchased the gas and water undertakings of the Hoylake and West Kirby Gas and Water Company:

And whereas by section 90 (Purchase of part of water undertaking by Wirral Council or a water board) of the Hoylake Act of 1925 it was provided as follows:—

"(1) If the Wirral Council or a water board on which the Wirral Council is a constituent authority (in this section called "the board") within one year after the passing of this Act give notice to the council of their desire to purchase the part of the water undertaking of the council situate in the Wirral Rural District (except the Newton

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Estate as defined in the Sixth Schedule to this Act and the ten-inch rising main from the Newton pumping station to the district) and shall promote a Bill in either of the two sessions of Parliament next following the passing of this Act the council shall not oppose such Bill;

“(2) The Wirral Council or the Board as the case may be shall as soon as reasonably practicable after the Royal Assent shall have been given to such Bill take steps to carry out the purchase of the said part of the said undertaking and shall pay to the Council the sum of twenty-five thousand pounds as the purchase price thereof. The said purchase shall be completed on or before the thirty-first day of March next following the date of such Royal Assent;

“(3) Notwithstanding the purchase of the said part of the said undertaking the Council shall have in the portion of the Wirral Rural District which is described in the Fifth Schedule to this Act all the powers conferred upon them by this Act and the Acts incorporated therewith with regard to the laying enlarging maintaining and renewing of water mains pipes and apparatus in the water limits (a) for the purpose of connecting the water undertaking with the water mains of the lord mayor aldermen and citizens of the city of Liverpool the mayor aldermen and burgesses of the borough of Birkenhead and the Board or any of them for the purpose of obtaining supplies of water in bulk and (b) for the purpose of laying such additional mains and apparatus as may be necessary from time to time between the Newton Estate and the district:”

And whereas the Board in pursuance of section 90 of the Hoylake Act of 1925 duly gave notice to the Hoylake Council on the twenty-third day of July one thousand nine hundred and twenty-six of their desire to purchase the part of the undertaking of the Hoylake Council situate in the rural district of Wirral except the Newton Estate as defined in the Sixth Schedule to the Hoylake Act of 1925 and the ten-inch rising main from the Newton pumping station to the district of the said council:

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And whereas it has been agreed between the Board the Hoylake Council and the mayor aldermen and burgesses of the borough of Wallasey (in this Act referred to as "the Wallasey Corporation") that the portion of the said undertaking which is situate within the townships of Moreton and Bidston-cum-Forde should be sold to the Wallasey Corporation for the sum of seventeen thousand five hundred pounds and it is expedient that provision should be made for the transfer of the remainder of the undertaking of the Hoylake Council referred to in section 90 of the Hoylake Act of 1925 to the Board :

And whereas the demand for water within the Board's limits of supply has increased and is increasing and in order to enable the Board to meet such demand it is expedient that the Board should be empowered to make and maintain the works and to acquire the lands hereinafter respectively described or referred to :

And whereas it is expedient that the Board be empowered to construct the other works in this Act described and that the other provisions in this Act contained be enacted :

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

And whereas an estimate has been prepared by the Board for the purpose hereinafter mentioned and such estimate is as follows :—

For the construction of the water-	£
works authorised by this Act	- 249,968

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

And whereas the provisions of subsection (3) of section 88 of the Act of 1925 relating to the promotion by the Board of Bills in Parliament have been observed :

And whereas plans and sections of the works by this Act authorised and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Chester and are in this Act referred to as the deposited plans sections and book of reference :

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

PART I.

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the *West Cheshire Water Board Act 1927* and the *West Cheshire Water Board Act 1925* and this Act may be cited together as the *West Cheshire Water Board Acts 1925 and 1927*.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Transfer of North Wirral undertaking.

Part III.—Waterworks.

Part IV.—Lands.

Part V.—Supply of water.

Part VI.—Finance.

Part VII.—Miscellaneous.

Incorporation of Acts.

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

(1) The *Lands Clauses Acts* except section 127 of the *Lands Clauses Consolidation Act 1845* relating to the sale of superfluous lands :

Provided that the bond required by section 85 of the said Act of 1845 shall be under the common seal of the Board and shall be sufficient without the addition of the sureties mentioned in that section ;

(2) The *Waterworks Clauses Act 1847* as amended in its application to the Board by the Act of 1925 ;

(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" and "the works" mean the works authorised by this Act and "the centre of the railway" means the centre of such works respectively. A.D. 1927.

4. The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts or by the Act of 1925 shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction. Interpretation of terms.

And in this Act unless the subject or context otherwise requires—

"The Act of 1925" means the West Cheshire Water Board Act 1925;

"The Hoylake Act of 1925" means the Hoylake and West Kirby Urban District Council Act 1925;

"The Hoylake Council" means the urban district council of Hoylake and West Kirby;

"The North Wirral undertaking" means so much of the water undertaking of the Hoylake Council as is situate in the parishes of Caldy (otherwise Caldey) Frankby Grange Greasby and Saughall-Massie in the rural district of Wirral as constituted at the date of the passing of this Act except—

(a) The Newton estate as hereinafter defined; and

(b) The ten-inch rising main from the Newton pumping station of the Hoylake Council to the urban district of Hoylake and West Kirby;

and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Hoylake Council within the said parishes (except as aforesaid) in relation to the supply of water and shall include all mains pipes meters fittings or other apparatus laid or erected or used by

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and belonging to the Hoylake Council within the said parishes (except as aforesaid) at or after the passing of this Act and prior to the date of transfer;

“The Newton estate” means a piece of land situate within the parish or township of Grange in the rural district of Wirral bounded on the west by a roadway connecting the village of Newton with the Chester high road on the east by lands now or formerly belonging to or reputed to belong to Sir Thomas Royden baronet and W. Phillips on the north by land now or formerly belonging to or reputed to belong to West Kirby charities and on the south by land now or formerly belonging to or reputed to belong to S. F. Widdrington and containing in the whole nineteen thousand four hundred and fifty square yards or thereabouts together with the pumping station boreholes wells engines engine-house pumps machinery settling tanks and other works and buildings erected thereon;

“The date of transfer” means the date at which the North Wirral undertaking is by this Act transferred to the Board;

“The limits of supply” means the limits within which the Board are for the time being authorised to supply water;

“The tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919.

PART II.

TRANSFER OF NORTH WIRRAL UNDERTAKING.

Purchase of
North
Wirral
undertaking
from Hoy-
lake Council.

5.—(1) The Hoylake Council shall sell to the Board and the Board shall purchase from the Hoylake Council the North Wirral undertaking at the price or consideration of seven thousand five hundred pounds.

(2) The Board shall pay the purchase money to the Hoylake Council on such day as may be agreed

between the Board and the Hoylake Council or failing agreement on the thirty-first day of March one thousand nine hundred and twenty-eight. A.D. 1927.

(3) Upon payment of the said purchase money the North Wirral undertaking shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Board and such transfer and vesting are in this Act referred to as "the transfer."

(4) The purchase money when received by the Hoylake Council shall be applied by them in the repayment of any outstanding moneys borrowed by the Hoylake Council for waterworks purposes or to waterworks purposes to which capital is properly applicable or in such other manner as may be approved by the Minister of Health.

6. The production of a King's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by the treasurer of the Hoylake Council or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Board of the North Wirral undertaking. Copy of this Act and receipt for purchase money to be evidence of transfer.

7. The receipt in writing of the treasurer of the Hoylake Council for the purchase money or any part thereof or for any other sum of money to be paid to the Hoylake Council by the Board shall effectually discharge the Board from the sum which in any such receipt shall be acknowledged to have been received and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Board are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened "In the matter of the West Cheshire Water Board Act 1927" and a receipt shall be given to the Board by the cashier of the said bank for the money which shall have the same effect as the receipt of the treasurer of the Hoylake Council. Receipt for purchase money.

8. From and after the transfer the Board may exercise and enjoy all the rights powers privileges and authorities which were vested in the Hoylake Council Board may exercise powers &c. of Hoylake Council.

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Actions &c.
not to abate
and penal-
ties to be
recoverable.

9. No action suit prosecution or other proceeding whatsoever commenced and no cause of action suit or arbitration prosecution or proceedings pending or existing either by or against the Hoylake Council shall abate or be discontinued or prejudicially affected by reason of the transfer to and vesting in the Board of the North Wirral undertaking but the same shall continue and take effect either in favour of or against the Hoylake Council in the same manner in all respects as the same would have continued and taken effect in relation to the Hoylake Council if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any regulations of the Hoylake Council binding on the Hoylake Council previously to the transfer may be sued for and all offences committed against such provisions previously to the transfer may be prosecuted in such or the like manner to all intents and purposes as such penalties might have been sued for or such offence prosecuted if the transfer had not taken place and all rents rates and moneys payable to the Hoylake Council prior to the date of transfer may be sued for and recovered by the Hoylake Council in the same manner in all respects as the same might have been sued for and recovered if this Act had not been passed.

Hoylake
Council to
carry on
North
Wirral
undertaking
until com-
pletion of
purchase.

10. Until the date of transfer the North Wirral undertaking shall be and continue to be maintained and carried on by the Hoylake Council as heretofore in the ordinary course of business but the Hoylake Council shall not without the previous consent of the Board under the hand of the clerk enter into any new liability contract or agreement or other obligation in respect of the North Wirral undertaking except such as may be in the ordinary course of the proper conduct of business.

Hoylake
Council to
pay out-
goings and

11. The Hoylake Council shall bear and pay all outgoings and liabilities of every kind properly chargeable to revenue and shall receive and retain all water rates.

or rents and other payments due to them and shall be entitled to all receipts from the North Wirral undertaking up to the date of transfer. Provided that nothing in this Act shall entitle the Hoylake Council to retain for their own benefit so much of any water rates or rents or other payments paid or payable in advance as shall be attributable to any period after the date of transfer but such rates rents or other payments shall be apportioned and so much thereof as is attributable to any period after the said transfer shall be paid by the Hoylake Council to the Board.

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—
 be entitled to receipts until transfer.

12. Notwithstanding the purchase by the Board of the North Wirral undertaking the Hoylake Council may within the portion of the rural district of Wirral which is described in the section of this Act of which the marginal note is "Extension of limits of supply" exercise all the powers conferred upon them by the Hoylake Act of 1925 and the Acts incorporated therewith with regard to the laying enlarging maintaining and renewing of water mains pipes and apparatus in the limits of the Hoylake Council for the supply of water:—

Hoylake Council empowered to lay mains for certain purposes in portion of limits of supply.

- (a) For the purpose of connecting the water undertaking of the Hoylake Council with the water mains of the lord mayor aldermen and citizens of the city of Liverpool the mayor aldermen and burgesses of the borough of Birkenhead and the Board or any of them for the purpose of obtaining supplies of water in bulk; and
- (b) For the purpose of laying such additional mains and apparatus as may be necessary from time to time between the Newton estate and the urban district of Hoylake and West Kirby.

PART III.

WATERWORKS.

13.—(1) Subject to the provisions of this Act the Board may in the county of Chester in the lines or situation 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

Power to construct works.

A.D. 1927. sections make and maintain the following works (that is to say):—

Work No. 1 A pumping station and well with other works and conveniences connected therewith situated in the enclosure numbered 129 on the $\frac{1}{2500}$ Ordnance map of Cheshire (edition of 1910) sheet XXXIX. 3. which field abuts on the north-western side of the railway from Mouldsworth to Chester and on the south-eastern side of the road past Poplar Grove and Stonehouse Farms which pumping station and well will be wholly in the parish of Mouldsworth in the rural district of Tarvin;

Work No. 2 An aqueduct conduit or line or lines of pipes commencing at or in Work No. 1 and terminating in the Ashton Brook at or about the point where the road from Stonehouse Farm to the village of Ashton crosses that stream which aqueduct conduit or line or lines of pipes will be wholly in the parishes of Mouldsworth and Horton-cum-Peel in the rural district of Tarvin;

Work No. 3 An aqueduct conduit or line or lines of pipes commencing at or in Work No. 1 and terminating at or in a pipe of the Board in the urban district of Ellesmere Port and Whitby in the main road between Ellesmere Port and Chester opposite the entrance road to the premises known as The Poplars which aqueduct conduit or line or lines of pipes will be wholly in the said parish of Mouldsworth the parishes of Manley and Alvanley in the rural district of Runcorn the parishes of Dunham-on-the-Hill Hapsford Elton Thornton-le-Moors Stoke and Little Stanney in the rural district of Chester and in the urban district of Ellesmere Port and Whitby;

Work No. 4 A reservoir situated in the enclosures numbered 90 and 118 on the $\frac{1}{2500}$ Ordnance map of Cheshire (edition of 1912) sheet XXX. 7. which reservoir will be wholly in the parish of Burton in the rural district of Wirral;

Work No. 5 An aqueduct conduit or line or lines of pipes commencing at or in Work No. 3 at or about its termination in the said main road between Ellesmere Port and Chester opposite the entrance road to the aforesaid premises known as The Poplars and terminating at or in Work No. 4 which aqueduct conduit or line or lines of pipes will be wholly in the urban district of Ellesmere Port and Whitby and in the parishes of Great Sutton Little Sutton Ledsham Willaston Puddington and Burton in the rural district of Wirral ;

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Work No. 6 A reservoir situated in the enclosure numbered 81 on the $\frac{1}{2500}$ Ordnance map of Cheshire (edition of 1910) sheet XXXII. 11. which reservoir will be wholly in the parish of Kingswood in the rural district of Runcorn ;

Work No. 7 An aqueduct conduit or line or lines of pipes commencing at or in Work No. 3 at the junction of public roads contiguous to the curtilage of the premises known as Fournalanes Farm in the said parish of Manley and terminating at or in Work No. 6 which aqueduct conduit or line or lines of pipes will be wholly in the said parishes of Manley and Kingswood ;

Work No. 8 An aqueduct conduit or line or lines of pipes commencing at or in Work No. 6 and terminating at or in Work No. 3 at or about a point where on the boundaries of the said parishes of Alvanley and Manley the main road from Frodsham to Chester crosses Moor's Brook which aqueduct conduit or line or lines of pipes will be wholly in the said parishes of Kingswood Manley and Alvanley ;

Work No. 9 A reservoir situated in the enclosure numbered 176a on the $\frac{1}{2500}$ Ordnance map of Cheshire (edition of 1912) sheet XXII. 1. which reservoir will be wholly in the parish of Heswall-cum-Oldfield in the rural district of Wirral ;

Work No. 10 An aqueduct conduit or line or lines of pipes commencing at or in Work No. 9 and terminating at or in a pipe of the Hoylake Council at or near a point in the main road

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from Thurstaston to West Kirby at or near the point where the road past Dawpool cottages joins the said main road in the parish of Caldy in the rural district of Wirral which aqueduct conduit or line or lines of pipes will be wholly in the parishes of Heswall-cum-Oldfield Irby Thurstaston and Caldy in the rural district of Wirral ;

Work No. 11 A reservoir situated on the site of the existing Upper Prenton reservoir of the Board at or near the summit of Prenton Hill which work will be wholly in the parish of Prenton in the rural district of Wirral.

(2) In addition to the foregoing works the Board may upon the said lands make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this subsection shall exonerate the Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

14. In the construction of the works authorised by this Act the Board may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where in any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards :

Provided that except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to take waters.

15. Subject to the provisions of this Act the Board may pump collect impound take use divert and appropriate for the purposes of the undertaking all underground streams springs and waters which will or may be taken or intercepted by means of the new waterworks.

Provision where existing

16.—(1) If it shall be proved that the pumping by the Board at the pumping station and well (Work No. 1)

by this Act authorised has caused any diminution of the supply of water from any well borehole spring or stream or pond or pool fed by any spring or stream existing at the date of the passing of this Act as an effective source of supply and situate within a radius of two miles from the said pumping station and well the Board shall upon the written request of the owner of such well borehole spring stream pond or pool (in this section referred to as "the owner" which term shall include any lessee or occupier) afford to the owner a supply of water equal to the amount of such diminution as so proved at such cost or rate as that the total cost to the owner of obtaining his full supply shall be the same (as nearly as may be) after as before the construction of such pumping station and well and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided :

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sources of
supply
affected.

Provided that the Board shall not be under any obligation to give a supply of water under this section (a) for domestic purposes in respect of any well borehole spring stream pond or pool the water from which is so polluted as to be or likely to be injurious or dangerous to health so long as such pollution shall continue nor (b) if prevented from supplying water in consequence of frost drought or any unavoidable cause or accident.

(2) The Board may if they think fit in lieu of making good the diminution of the supply in any such well borehole pond or pool deepen such well borehole pond or pool or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution and the owner shall without making any charge therefor give the Board access and every facility for carrying out such deepening borings or headings :

Provided that the Board shall also make compensation for any injury caused to the owner by the exercise of the powers conferred by this subsection.

(3) The Board may if they think fit in lieu of affording or increasing any supply under the foregoing provisions of this section make compensation in money to the owner for such diminution the amount of such compensation to be settled in case of difference by arbitration as hereinafter provided.

(4) The owner shall afford the officers servants or other representatives of the Board at all reasonable times

A.D. 1927. after the passing of this Act access to the well borehole spring stream pond or pool in respect of which any claim is made under this section for the purpose of ascertaining particulars thereof and the level or flow of the water therein and the Board shall not be liable in respect of any claim made by the owner under this section if he shall after reasonable demand have refused such access.

(5) For the purpose of affording a supply of water under this section the Board may supply water beyond the limits of supply and carry out all such works within or beyond such limits as may be necessary for that purpose.

(6) Any question or dispute arising under this section shall be referred to and determined by a single arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Period for completion of works.

17. If the new waterworks are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of the said waterworks or otherwise in relation thereto shall cease except as to such of them or so much respectively as shall then be completed but nothing in this section contained shall restrict the Board from at any time extending enlarging altering renewing or removing any of the new waterworks or from exercising any of the powers with respect to the construction of works conferred by the Act of 1925 and the Acts incorporated with this Act from time to time as occasion may require.

Temporary stoppage of streets.

18.—(1) The Board during the execution of the works authorised by this Part of this Act may break up and also temporarily stop up and interfere with any street for the purpose of executing such powers and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or returning from any house in the street from passing along and using the same.

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

19.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets the Board may for the purposes of effecting telegraphic or telephonic communication between to or from the Board's works and offices lay down maintain alter repair and renew mains tubes electric and other wires and apparatus in the soil of any street road highway or footpath within the limits of supply or in which any mains pipes or apparatus of the Board may be constructed or laid under the powers of the Act of 1925 or this Act.

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Telephonic
wires and
apparatus
in streets.

(2) Any electric wires telegraphs telephones or other apparatus or appliances laid down or maintained by the Board under the provisions of this Act shall not be used for the transmission of telegrams in contravention of the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

(3) Provided that the Board shall not lay down any such mains tubes electric and other wires and apparatus in across or under any road bridge or approach belonging to a railway company except with the consent in writing of such company which consent shall not be unreasonably withheld and if any difference arises as to whether such consent is unreasonably withheld such difference shall be referred to an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such reference.

20.—(1) Subject to the provisions of this Act the Board shall have and may exercise for any of the purposes of the undertaking within and without the limits of supply the like powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without the district of such authority.

Powers in
relation to
water
mains.

(2) In the application to the Board of section 16 of the Public Health Act 1875 the term "surveyor" in that

A.D. 1927. — section shall mean and be deemed to refer to the engineer of the Board.

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

New works to form part of undertaking.

21. The works constructed by the Board and the lands and easements acquired by them for the purposes of the undertaking under the powers of this Act shall so long as the same respectively are vested in the Board form part of the undertaking.

For protection of Cheshire County Council.

22. The provisions of section 103 (For protection of Cheshire County Council) of the Act of 1925 shall *mutatis mutandis* and so far as applicable extend and apply to and enure for the benefit and protection of the Cheshire County Council in relation to any main road or any county or main road bridge or approach thereto in or in connection with which any works authorised by this Act may be constructed or executed by the Board.

For protection of Liverpool Corporation.

23. For the protection of the lord mayor aldermen and citizens of the city of Liverpool (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed between the Board and the corporation apply and have effect (that is to say):—

- (1) The aqueduct conduit or line or lines of pipes (Work No. 3) by this Act authorised and any subsidiary work connected therewith where the same cross or are adjacent to the line of pipes laid by the corporation from the Vyrnwy Aqueduct to the borough of Wallasey and any sluice drain or other incidental work attached thereto (all of which are in this section referred to as "the protected works") shall be laid and constructed in accordance with plans sections and specifications to be submitted by the Board to and to be approved in writing by the corporation which approval shall not be unreasonably withheld and in carrying out such laying and construction the Board shall take such precautions for the protection of the protected works as the water engineer of the

corporation shall reasonably require Provided A.D. 1927.
that if the corporation do not express their
disapproval of such plans sections and speci-
fications within twenty-one days from the date
of the submission thereof to the corporation
they shall be deemed to have approved thereof:

- (2) The Board shall pay the reasonable cost of repairing and making good any damage done by them or their contractors agents or workmen to the protected works in the execution of any works or the carrying out of any operations under this Act and any reasonable expenses which the corporation may incur in protecting the protected works :
- (3) If at any time any damage or detriment shall be caused to the protected works by reason of the failure bursting or leaking of any works of the Board constructed under the powers of this Act they shall make compensation to the corporation for such damage or detriment and the amount of such compensation shall failing agreement be determined by arbitration in manner provided by this section :
- (4) Any difference which may arise between the Board and the corporation under the provisions of this section shall be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such determination.

24. For the protection of the Chester Rural District Council (in this section referred to as "the council") the following provisions shall except so far as may be otherwise agreed between the council and the Board apply and have effect (that is to say):—

For pro-
tection of
Chester
Rural
District
Council.

- (1) The provisions of section 103 (For protection of Cheshire County Council) of the Act of 1925 shall mutatis mutandis and so far as applicable extend and apply to and enure for the benefit and protection of the council in relation to any street road bridge or approach for the time being repairable by the council in or in con-

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nection with which any works authorised by this Part of this Act may be constructed or executed by the Board:

- (2) The Board shall pay the reasonable cost of repairing and making good any damage done by them to any water main or water pipe of the council or other apparatus connected therewith in the execution of any works of the Board under this Part of this Act and any reasonable expenses which the council may incur in protecting the said water mains water pipes and other apparatus:
- (3) Any difference which may arise between the Board and the council under the provisions of this section shall be determined by an arbitrator to be agreed upon between the council and the Board or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto the Arbitration Act 1889 shall apply to any such determination.

For protection of
Tarvin
Rural
District
Council.

25. For the protection of the Tarvin Rural District Council (in this section referred to as "the council") the following provisions shall except so far as may be otherwise agreed between the council and the Board apply and have effect (that is to say):—

- (1) Subsection (3) of the section of this Act of which the marginal note is "Provision where existing sources of supply affected" shall not apply to the springs of the council in the valley of the Ashton Brook near Spy Hill and Delamere Forest in the parish of Eddisbury in the rural district of Northwich unless it is so agreed between the Board and the council or unless failing agreement the Board satisfy the arbitrator appointed under the said section that having regard to all the circumstances it is reasonable that the Board should make compensation in money to the council in lieu of affording a supply or increasing the supply from the said springs under the said section. Save as aforesaid the provisions of the said section shall apply to the council and to the said springs:

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- (2) The provisions of section 103 (For protection of Cheshire County Council) of the Act of 1925 shall mutatis mutandis and so far as applicable extend and apply to and enure for the benefit and protection of the council in relation to any street road bridge or approach for the time being repairable by the council in or in connection with which any works authorised by this Part of this Act may be constructed or executed by the Board:
- (3) The aqueduct conduit or line or lines of pipes (Work No. 3) by this Act authorised where the same cross or are adjacent to any water main or water pipe of the council or any apparatus attached thereto shall be laid and constructed in accordance with plans sections and specifications to be submitted by the Board to and to be approved in writing by the council which approval shall not be unreasonably withheld and in carrying out such laying and construction such precautions shall be taken by the Board as the council shall reasonably require Provided that if the council do not express their disapproval of such plans sections and specifications within twenty-one days from the date of the submission thereof to the council they shall be deemed to have approved thereof:
- (4) The Board shall pay the reasonable cost of repairing and making good any damage done by them to any water main or water pipe of the council or other apparatus connected therewith in the execution of any works of the Board under this Act and any reasonable expenses which the council may incur in protecting the said water mains pipes and other apparatus:
- (5) Any difference which may arise between the Board and the council under the provisions of this section shall be determined by an arbitrator to be agreed upon between the council and the Board or failing agreement to be appointed by the President of the Institution

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of Civil Engineers on the application of either party and subject thereto the Arbitration Act 1889 shall apply to any such determination.

For protection of certain railway companies.

26. The following provisions for the protection of the London Midland and Scottish Railway Company and the Great Western Railway Company (each of whom is in this section referred to as "the company") shall unless otherwise agreed between the company and the Board apply and have effect in relation to the works authorised by this Part of this Act (that is to say):—

- (1) The Board shall not under the powers of this Act without the previous consent of the company purchase or acquire by compulsion any lands or property of the company upon which the aqueducts Works Nos. 3 and 5 (in this section referred to as "the authorised works") may be constructed but the Board may purchase and acquire and the company shall sell and grant accordingly an easement or right of using so much of the lands property and works of the company (other than roadways over bridges repairable by the company) as may be required for the construction and maintenance of the authorised works:
- (2) The provisions of section 106 (For further protection of certain railway companies) of the Act of 1925 shall mutatis mutandis and so far as applicable extend and apply to and enure for the protection and benefit of the company in relation to the laying down or execution of and the repairs and renewals of the authorised works upon across over under or in any way affecting the railways canals lands or property belonging to the company or used or occupied by them for the purposes of their railway or canal undertaking or the bridges approaches viaducts stations or other works or any level crossings over the railways of the company:
- (3) The authorised works shall be carried under the railway of the company by means of steel pipes surrounded by concrete at a depth of not less than three feet below the level of the

rails of the said railway and so as not to interfere unreasonably with the drainage of the railway : A.D. 1927.

- (4) Where any authorised work crosses any canal of the company it shall be constructed over the canal and so as to give not less headway than the bridge over such canal nearest to such work :
- (5) Before commencing the construction of any authorised works under or across the railways works and property of the company the Board shall give to the company fourteen days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given :
- (6) The Board shall bear and on demand pay to the company the reasonable expense of the employment by the company during the construction repair or renewal of the authorised works under or across the railways canals or other property of the company of a sufficient number of inspectors signalmen or watchmen for watching and protecting the said railways canals and other property and the conduct of the traffic thereon with reference to and during the construction of the authorised works and for preventing as far as may be all interference obstruction danger or accident from any of the operations or from the acts or defaults of any person or persons in the employment of the Board or their contractors and the Board shall also pay to the company the reasonable expense incurred by them in connection with any extra precautions which may be necessary for the safety and working of the traffic and protection of their property on account of the construction repair or renewal of the authorised works under or across the railways canals or other property of the company :
- (7) Subsection (3) of section 106 (For further protection of certain railway companies) of the Act of 1925 in its application to the authorised works shall extend to any interference with the passage or conduct of traffic on the railways and canals of the company caused by or in any

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way owing to the construction repair or renewal of the authorised works and if there should be any such interference the Board shall at their own cost and free of all expense to the company execute and do all such works as may be necessary to remove the cause of interference or the company at their option may enter upon the works of the Board and execute all such works and do all such things as may be necessary to remove such interference and in that event the Board shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith :

- (8) The Board shall indemnify the company from all damages or compensation which may be recovered from them by reason of any such interference as is referred to in the last preceding subsection or by reason of any accident so far as such accident shall have been occasioned by or through the act or default of the Board or those for whom they are responsible :
- (9) If it should be necessary by reason of the authorised works to alter any telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railways of the company the company may effect such alterations and the Board shall repay to them the reasonable expenses incurred by them in connection with such alterations :
- (10) Any additional expense which the company may reasonably and properly incur in connection with their railway canal or other works or the widening or alteration thereof by reason of the existence of the authorised works shall be paid by the Board :
- (11) If the company within fourteen days from the approval of the plans required by subsection (2) of this section give to the Board notice in writing that they themselves desire to execute so much of the authorised works (other than the actual laying down and repair of the pipes) as will be situate on the lands and property of the company the company may execute the works under the superintendence of and to the

reasonable satisfaction of the engineer to the Board and may recover from the Board the reasonable expenses incurred by the company in connection therewith: A.D. 1927.

- (12) Any dispute or difference which may arise between the Board and the company with reference to the provisions of this section or in any way arising thereout shall failing agreement be settled by arbitration by an engineer to be agreed upon between the Board and the company or failing agreement 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.

27. The following provisions for the protection of the Cheshire Lines Committee (in this section referred to as "the committee") shall unless otherwise agreed between the committee and the Board apply and have effect in relation to the works authorised by this Part of this Act (that is to say):— For protection of Cheshire Lines Committee.

- (1) Notwithstanding anything in this Act contained the Board shall not except with the consent in writing of the committee erect any permanent buildings for the purposes of the pumping station (Work No. 1) by this Act authorised on the strip of land having a width of three feet from the committee's boundary fence on the north-western side of the committee's railway from Mouldsworth to Chester within the inclosures in the parish of Mouldsworth numbered 5 6 and 8 on the deposited plans:
- (2) The provisions of section 106 (For further protection of certain railway companies) of the Act of 1925 shall mutatis mutandis and so far as applicable extend and apply to and enure for the benefit and protection of the committee in relation to the laying down or execution of and the repairs and renewals of the aqueduct Work No. 3 (in this section referred to as "the authorised works") upon across over under or in any way affecting the railways lands or property belonging to the committee or used or

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—

occupied by them for the purposes of their undertaking or the bridges approaches viaducts stations or other works or any level crossings over the railways of the committee :

- (3) Where any authorised work is carried over the railway of the committee the Board shall not at any time during the construction or maintenance of such work or any works connected therewith permit the clear headway above the level of the rails to be reduced to less than fifteen feet six inches at any point between the boundary fences of the committee's property :
- (4) Where any authorised work is carried under the railway of the company (otherwise than in a highway) it shall be constructed of steel pipes surrounded by concrete at a depth of not less than three feet below the level of the rails of the said railway and so as not to interfere unreasonably with the drainage of the railway :
- (5) The provisions of subsections (1) (5) (6) (7) (8) (9) (10) and (11) of the last preceding section of this Act shall mutatis mutandis and so far as applicable extend and apply to and enure for the protection and benefit of the committee in relation to the authorised works as if the same were set out in this section :
- (6) Any dispute or difference which may arise between the Board and the committee with reference to the provisions of this section or in any way arising thereout shall failing agreement be settled by arbitration by an engineer to be agreed upon between the Board and the committee or failing agreement 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.

As to supply
of water to
Chester
Rural
District
Council.

28.—(1) Subject to the provisions hereinafter contained the Board shall when they are in a position to supply water to the rural district council of Chester (in this section referred to as "the council") from the line or lines of pipes (Work No. 3) by this Act authorised and the council after having given two years' previous notice

in writing to the Board of their intention to take a supply of water are in a position by having provided a suitable main or mains and otherwise to take such supply deliver into such main or mains from the said line or lines of pipes in bulk for domestic and sanitary use and for dairy purposes in the parishes of Bridge Trafford Caughall Dunham-on-the-Hill Elton Hapsford Ince Mickle Trafford Picton Thornton-le-Moors Wervin and Wimbolds Trafford or any of such parishes in the district of the council such quantity of water per day of twenty-four hours as may be required by the council not exceeding the quantity to be specified in the notice to be given by the council as hereinbefore mentioned and not exceeding in any case fifty-five thousand gallons per day nor thirteen million five hundred thousand gallons per annum Provided that the maximum quantities to be supplied prior to the first day of July one thousand nine hundred and forty-eight shall not exceed thirty-two thousand gallons per day nor seven million eight hundred thousand gallons per annum and Provided also that the council shall not be entitled to be supplied in respect of any parish with a greater quantity of water than thirty gallons per head per day nor seven thousand three hundred gallons per head per annum based on the population of that parish according to the census of the year one thousand nine hundred and twenty-one.

(2) The council having required and taken a supply of water under subsection (1) of this section shall thereafter be entitled from time to time to give two years' notice in writing to the Board requiring the quantity of water for the time being delivered from the said line or lines of pipes into the main or mains of the council to be increased by not less than five thousand gallons per day of twenty-four hours and one million two hundred and twenty thousand gallons per annum and the Board shall upon the expiration of any such notice commence and continue to deliver into the main or mains of the council such quantity of water as may be required by the council not exceeding the increased quantity specified in such notice Provided that the council shall not be entitled at any time to require to be supplied by the Board with an aggregate quantity of water exceeding in the whole fifty-five thousand gallons per day of twenty-four hours nor thirteen million five hundred thousand gallons in any year.

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(3) The council after having given a notice requiring a supply of water or any subsequent notice or notices requiring an increased supply shall for a period of fifty years from the date of the commencement of the supply take and continue to take such supply or increased supply so long as the Board shall continue to use the said line or lines of pipes.

(4) Such supply shall be delivered from the said line or lines of pipes at such point or points (not exceeding four in number) as may be agreed upon between the Board and the council or failing agreement as may be determined by arbitration.

(5) The council shall pay to the Board for all water supplied under this section at the rate of such sum per thousand gallons as shall be equal to the prime cost to the Board per thousand gallons of water delivered from the works authorised by this Act into the distribution mains of the Board at the point of termination of Work No. 3 by this Act authorised together with the addition of a sum equal to fifteen per centum of the said prime cost. The said prime cost in respect of any period shall be ascertained by dividing the total expenditure of the Board during such period on revenue account inclusive of loan and interest charges (but exclusive of all head office establishment charges) so far as such expenditure is incurred on or in connection with the works for delivering water from the works authorised by this Act into the said distribution mains by the quantity of water pumped during such period. Provided that (a) the sum per thousand gallons to be paid by the council for water supplied to them during the period from the commencement of such supply to the thirty-first day of March then next ensuing shall be estimated by the Board on the basis aforesaid and as soon as the actual sum per thousand gallons to be paid in accordance with the provisions of this section in respect of that period is ascertained from the accounts of the Board for the year ended the thirty-first day of March in that year any necessary adjustment shall be made and the Board shall thereupon repay to the council any sum overpaid by them or the council shall pay to the Board any balance due as the case may be and (b) the sum per thousand gallons to be paid for water supplied during each subsequent year shall be that ascertained in accordance

with the provisions of this section from the accounts for the year ended the previous thirty-first day of March and as soon as the actual sum to be paid per thousand gallons in respect of each year is ascertained as aforesaid any necessary adjustment shall thereupon be made in manner aforesaid. A.D. 1927.

(6) All water to be taken by the council shall be measured at each point at which it is taken by a meter or other apparatus to be provided and maintained by the Board and let by them to the council upon such terms as may be agreed upon between their respective engineers or failing agreement be determined by arbitration. Any such meter shall be placed in some suitable chamber or building and on a site to be provided and maintained by the council and such meter and chamber and all pipes valves and other apparatus connecting the meter with the line of pipes from which the water is taken shall be fixed and constructed by the Board at the cost of the council. The Board and their engineers servants and workmen shall be entitled at all times to access to the valves and meters for the purpose of examination and recording the registration and of effecting at the cost of the council such repairs adjustments and replacements thereof as may be necessary.

(7) The Board shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council if such failure shall be occasioned by frost unusual drought strikes or any cause beyond the control of the Board or during any time when the works of the Board shall be undergoing necessary repairs renewals or cleansing but no payment in respect of the supply of water under this section shall be demanded by the Board in respect of the period during which such supply is suspended.

(8) All accounts for water supplied under this section shall be rendered quarterly by the Board to the council within twenty-one days after the first day of January the first day of April the first day of July and the first day of October in every year and each such account shall be discharged by the council within twenty-one days from the receipt thereof.

(9) Any dispute question or difference between the Board and the council or their respective engineers under this section shall unless otherwise agreed be referred to

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(10) The Board and the council may agree in writing for any variation or alteration of the provisions of this section.

As to supply
of water to
Tarvin
Rural
District
Council.

29.—(1) Subject to the provisions hereinafter contained the Board shall when they are in a position to supply water to the rural district council of Tarvin (in this section referred to as “the council”) from the line or lines of pipes (Work No. 3) by this Act authorised and the council after having given two years’ previous notice in writing to the Board of their intention to take a supply of water are in a position by having provided a suitable main or mains and otherwise to take such supply deliver into such main or mains from the said line or lines of pipes in bulk for domestic and sanitary use and for dairy purposes in the parishes of Barrow Kelsall and Tarvin or any of such parishes in the district of the council such quantity of water per day of twenty-four hours as may be required by the council not exceeding the quantity to be specified in the notice to be given by the council as hereinbefore mentioned and not exceeding in any case seventy-eight thousand gallons per day nor nineteen million gallons in any year Provided that the council shall not be entitled to be supplied in respect of any parish with a greater quantity of water than thirty gallons per head per day nor seven thousand three hundred gallons per head per annum based on the population of that parish according to the census of the year one thousand nine hundred and twenty-one.

(2) The council having required and taken a supply of water under subsection (1) of this section shall thereafter be entitled from time to time to give two years’ notice in writing to the Board requiring the quantity of water for the time being delivered from the said line or lines of pipes into the main or mains of the council to be increased by not less than seven thousand five hundred gallons per day of twenty-four hours and one million eight hundred and twenty-five thousand gallons per annum and the Board shall upon the expiration of any such notice commence and continue to deliver into the main or mains of the council such quantity of water as

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may be required by the council not exceeding the increased quantity specified in such notice Provided that the council shall not be entitled at any time to require to be supplied by the Board with an aggregate daily quantity of water exceeding in the whole seventy-eight thousand gallons per day of twenty-four hours nor nineteen million gallons in any year.

(3) The council after having given a notice requiring a supply of water or any subsequent notice or notices requiring an increased supply shall take and continue to take such supply or increased supply so long as the Board shall continue to use the said line or lines of pipes.

(4) Such supply shall be delivered from the said line or lines of pipes at such point or points (not exceeding three in number) as may be agreed upon between the Board and the council or failing agreement as may be determined by arbitration.

(5) The council shall pay to the Board for all water supplied under this section at the rate of such sum per thousand gallons as shall be equal to the prime cost to the Board per thousand gallons of water delivered from the works authorised by this Act into the distribution mains of the Board at the point of termination of Work No. 3 by this Act authorised together with the addition of a sum equal to fifteen per centum of the said prime cost The said prime cost in respect of any period shall be ascertained by dividing the total expenditure of the Board during such period on revenue account inclusive of loan and interest charges (but exclusive of all head office establishment charges) so far as such expenditure is incurred on or in connection with the works for delivering water from the works authorised by this Act into the said distribution mains by the quantity of water pumped during such period Provided that (a) the sum per thousand gallons to be paid by the council for water supplied to them during the period from the commencement of such supply to the thirty-first day of March then next ensuing shall be estimated by the Board on the basis aforesaid and as soon as the actual sum per thousand gallons to be paid in accordance with the provisions of this section in respect of that period is ascertained from the accounts of the Board for the year ended the thirty-first day of March in that year any necessary adjustment shall be made and the Board shall

A.D 1927. thereupon repay to the council any sum overpaid by them or the council shall pay to the Board any balance due as the case may be and (b) the sum per thousand gallons to be paid for water supplied during each subsequent year shall be that ascertained in accordance with the provisions of this section from the accounts for the year ended the previous thirty-first day of March and as soon as the actual sum to be paid per thousand gallons in respect of each year is ascertained as aforesaid any necessary adjustment shall thereupon be made in manner aforesaid.

(6) All water to be taken by the council shall be measured at each point at which it is taken by a meter or other apparatus to be provided and maintained by the Board and let by them to the council upon such terms as may be agreed upon between their respective engineers or failing agreement be determined by arbitration. The meter shall be placed in some suitable chamber or building and on a site to be provided and maintained by the council and such meter and chamber and all pipes valves and other apparatus connecting the meter with the line of pipes from which the water is taken shall be fixed and constructed by the Board at the cost of the council. The Board and their engineers servants and workmen shall be entitled at all times to access to the valves and meters for the purpose of examination and recording the registration and of effecting at the cost of the council such repairs adjustments and replacements thereof as may be necessary.

(7) The Board shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council if such failure shall be occasioned by frost unusual drought strikes or any cause beyond the control of the Board or during any time when the works of the Board shall be undergoing necessary repairs renewals or cleansing but no payment in respect of the supply of water under this section shall be demanded by the Board in respect of the period during which such supply is suspended.

(8) All accounts for water supplied under this section shall be rendered quarterly by the Board to the council within twenty-one days after the first day of January the first day of April the first day of July and the first day of October in every year and each such

account shall be discharged by the council within twenty-one days from the receipt thereof. A.D. 1927.

(9) Any dispute question or difference between the Board and the council or their respective engineers under this section shall unless otherwise agreed be referred to a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(10) The Board and the council may agree in writing for any variation or alteration of the provisions of this section.

PART IV.

LANDS.

30. Subject to the provisions of this Act the Board may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works authorised by this Act. Power to acquire lands.

31. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the thirty-first day of October one thousand nine hundred and thirty. Period for compulsory purchase of lands.

32.—(1) Whereas in the construction of the works authorised by this Act or otherwise in the exercise by the Board of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans (in this section referred to as "the said properties") will be sufficient for the purposes of the Board and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:— Owners may be required to sell parts only of certain lands and buildings.

(a) The owners of and persons interested in any of the said properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Board or each or any of them are hereinafter included in the term "the owner";

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- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the said properties the owner shall fail to notify in writing to the Board that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Board such portion only without the Board being obliged or compellable to purchase the whole the Board paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (c) If within such twenty-one days the owner shall by notice in writing to the Board allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Board have compulsory powers of purchase) can be so severed :
- (d) If the tribunal determine that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Board the portion so determined to be so severable without the Board being obliged or compellable to purchase the whole the Board paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (e) If the tribunal determine that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that

the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :

- (f) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Board may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (g) If the tribunal determine that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Board in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

(3) The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

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

Extinction
of private
rights of
way.

A.D. 1927.

(2) Provided that the Board 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.

Compensation in case of recently acquired interests.

34. In settling any question of disputed purchase money or compensation under this Act the tribunal settling the same 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 lands created after the first day of November one thousand nine hundred and twenty-six if in the opinion of such 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.

Acquisition of easements.

35.—(1) The Board 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 or rights 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 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 and rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Board have acquired easements or rights only under the provisions of this section the Board 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 or rights and any other restrictions imposed upon the owners and occupiers 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 Board to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the

Board to acquire the lands in respect of which they shall have given notice to treat for an easement or right or to impose any such restriction only.

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(4) Every notice to treat for the acquisition of an easement or right or the imposition of any restriction shall either contain or be endorsed with notice of this provision.

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

Power to Board to enter upon property for survey and valuation.

37. The tribunal shall if so required by the Board award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Board by the claimant giving sufficient particulars and in sufficient time to enable the Board to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Board have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Costs of arbitration in certain cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Board to amend the statement in writing of the claim delivered by him to the Board in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Board if they object to the amendment and such amendment shall be subject to such terms enabling the Board to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case :

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Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Persons
under
disability
may grant
easements
&c.

38. 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 Board 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.

Reservation
of water
rights &c.
on sale.

39. The Board on selling any lands acquired by them in connection with the undertaking and not required for the purposes of the undertaking may reserve to themselves all or any part of the water 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.

PART V.

SUPPLY OF WATER.

Extension
of limits
of supply.

40.—(1) From and after the date of transfer the limits within which the Board may supply water shall extend to and include the parishes or townships of Caldy (otherwise Caldey) Frankby Grange Greasby and Saughall-Massie in the rural district of Wirral.

(2) The Board may for the purpose of supplying water within the areas referred to in subsection (1) of this section exercise within the said areas the same powers as they are authorised to exercise under the Acts relating to the undertaking and shall be subject to the same obligations as they are subject to in respect of water supply under the said Acts.

41.—(1) The Board shall not be bound to supply with water otherwise than by meter— A.D. 1927.

- (a) 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
 - (b) Any workhouse public institution school hospital or asylum (whether public or private) sanatorium hotel club assembly hall restaurant public-house or inn; or
 - (c) Any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein.
- Supply to
houses
partly used
for trade
&c.

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

(3) Subsection (1) of section 39 (Supply to houses partly used for trade &c.) of the Act of 1925 is hereby repealed.

42.—(1) The Board may erect and maintain standpipes on any land belonging to them and on any land purchased or acquired by them for the purpose or in respect of which a right for the purpose is acquired by them by agreement and (with the consent of the road authority) on and at the side of any road within the limits of supply. Erection of
standpipes.

(2) The Board may provide and maintain prepayment meters in connection with any such standpipes for the supply of water for road vehicles and in respect of any such supply may make and recover such reasonable charges as they think fit.

(3) In respect of any such standpipes as may be erected and maintained for the purpose of the supply of water for domestic purposes and the recovery of water rates or water rents for the use of any such standpipes the Board shall have and may exercise the powers of a rural sanitary authority who provide standpipes under section 9 of the Public Health (Water) Act 1878.

A.D. 1927.

(4) The provisions of section 53 (Injuring meters &c.) of the Act of 1925 shall extend and apply to any standpipes and prepayment meters in connection therewith provided by the Board under the provisions of this section.

(5) The powers conferred by this section shall not be exercised so as to obstruct or render less convenient the access to or exit from any station or goods yard belonging to a railway company and the Board shall not place any standpipes on any bridge carrying any street or road over a railway or under any bridge carrying a railway over any street or road or within ten feet of the abutments of any such bridge without the consent of such company.

Extension
of section 60
of Water-
works
Clauses Act
1847.

43. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Board who shall without the authority of the Board turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Board and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and that section shall extend and apply accordingly.

Rates
payable by
owners in
certain
cases.

44.—(1) If and so long as a resolution under subsection (1) of section 11 of the Rating and Valuation Act 1925 is in force in any part of the limits of supply section 36 (Rates payable by owners of small houses) of the Act of 1925 shall cease to have effect in that part of the limits of supply and in lieu thereof the provisions of subsection (2) of this section shall have effect.

(2) The owner of every house or part of a house which is included in the class defined by the said resolution and is supplied with water by the Board shall if the Board so determine pay the rate for the supply of water instead of the occupier but the rate may be recovered from the occupier and may if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due to the owner Provided that no greater sum shall be recovered at any

one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service on him of a notice to pay the rate. A.D. 1927.

The provisions of this subsection shall be in addition to and not in derogation of the provisions of section 72 of the Waterworks Clauses Act 1847.

45. Any agreement which may be made between the Board and any constituent authority under section 89 (As to collection of rates &c.) of the Act of 1925 may with respect to the whole or any part of the rates and charges which the Board are authorised to levy and take for and in connection with the supply of water within the constituent area of that authority provide for all or any of the following matters (that is to say):—

As to collection of water rates by constituent authorities.

- (i) That the authority may with the consent of the Board levy and recover such rates and charges as though they were payable to the authority and not to the Board;
- (ii) That the authority may pay the money received in respect of such rates and charges to their own treasurer;
- (iii) That all accounts and records of the authority in respect of such rates and charges shall be audited as part of the accounts of the authority as though the provisions of section 247 of the Public Health Act 1875 (including the auditor's power of disallowance and surcharge) were applicable thereto;
- (iv) That the authority shall make periodical payments to the Board by way of advance in respect of such rates and charges in such instalments and at such dates as may be agreed; and
- (v) That the authority shall keep a running account with the Board and shall account to the Board for the difference between the sums ultimately ascertained to be due to the Board and the payments made to the Board by way of advance.

A.D. 1927.

PART VI.

FINANCE.

Power to
borrow.

46.—(1) The Board may from time to time borrow at interest (in addition to any moneys which they are now authorised to borrow) for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely):—

1.	2.	3.
Purpose.	Amount.	Period.
(a) For the purchase of the North Wirral undertaking.	£ 7,500	Fifty years from the date of transfer.
(b) For defraying the costs and expenses incident to the purchase of the North Wirral undertaking and to the transfer of the said undertaking to the Board.	The sum requisite.	Fifty years from the date of transfer.
(c) For and in connection with the purchase of lands for and the construction of the works authorised by Part III (Waterworks) of this Act.	249,968	Forty-five years from the date or dates of borrowing.
(d) For the payment out of capital of interest on money borrowed for the purposes (c) mentioned in this subsection until the completion of Works Nos. 1 2 and 3 by this Act authorised or the expiration of eight years from the date or dates of borrowing whichever be the earlier.	The sum requisite.	Forty-five years from the date or dates of borrowing.
(e) For paying any sums payable by the Board under the final section of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Board may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

(3) In order to secure the repayment of the money borrowed or re-borrowed under this Act and the payment

of the interest thereon the Board may mortgage or charge the revenues of the Board. A.D. 1927.

(4) Notwithstanding anything contained in any Act it shall not be obligatory upon the Board to make the first payment to the sinking fund or to pay the first instalment of principal for the repayment of money borrowed for the purposes (c) mentioned in subsection (1) of this section until the completion of Works Nos. 1 2 and 3 by this Act authorised or the expiration of eight years from the date or dates of borrowing the money whichever shall be the earlier.

47.—(1) The Board may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Act of 1925 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

Scheme for
fixing
equated
periods.

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

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

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

A.D. 1927. — separate consolidations may be made of all or any of the loans included under such general headings.

(5) The Board may with the sanction of the Minister of Health and on the security of the revenues of the Board borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Board for their consent thereto and any moneys so borrowed shall be repaid within such period as the Minister of Health may sanction.

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

Power to use one form of mortgage for all purposes.

48.—(1) Notwithstanding anything in any other Act relating to the Board where the Board 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 Board and may be made in the form set out in the Second Schedule to this Act or to the like effect.

(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 Board 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 Board.

(5) Nothing in this section shall alter or affect the obligations of the Board 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 within which they would have been repayable respectively if this section had not been enacted. A.D. 1927.

(6) Nothing in this section shall alter or affect the obligations of the Board to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(7) (a) There shall be kept by the clerk at the office of the Board 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 by the clerk in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

(b) Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and if the clerk refuses to allow such inspection he shall be liable to a penalty not exceeding five pounds.

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

(9) There shall be kept by the clerk at the office of the Board 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 to him 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 Board 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 the like manner transfer his rights and interest in any

A.D. 1927. — 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 moneys 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.

Provisions
as to
transfers of
mortgages.

49.—(1) Every deed of transfer of any mortgage of the Board whether granted under the immediately preceding section of this Act or otherwise shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(2) The Board before registering any such transfer may if the circumstances appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer.

(3) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Board may require.

Evidence of
transfer or
trans-
mission of
securities.

50. It shall not be obligatory on the Board to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any security of the Board (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the clerk or the Board's registrar of stock of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Use of
moneys
forming
part of
reserve and
other funds.

51. Notwithstanding anything in the Act of 1925 or this Act the Board may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals contingent

superannuation insurance or other similar fund of the Board (in this section referred to as "the lending fund") subject to the following conditions:—

A.D. 1927.
—

- (1) The money so used shall be repaid to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the Board shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the revenues of the Board or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:
- (2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Board to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the revenues of the Board:
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provision of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Section 70 (Power to use sinking fund instead of borrowing) of the Act of 1925 is hereby repealed.

52. Any constituent authority may with the consent of the Minister of Health lend to the Board such sum or sums on such terms and conditions and in such form as may be agreed between the Board and the constituent authority:

Power to constituent authorities to lend money to Board.

A.D. 1927.

Provided that the consent of the Minister of Health shall not be necessary if a constituent authority proposes to lend to the Board any sum or sums of money for any period not exceeding twelve months.

Power to Board to lend money temporarily to constituent authorities.

53. The Board may from time to time lend for any period not exceeding twelve months or with the consent of the Minister of Health for any longer period to any constituent authority any sum of money which is not for the time being required for the purpose for which it was raised and the same shall be lent on such terms and conditions and in such form as may be agreed between the constituent authority and the Board.

As to apportionment of deficiency in net revenue and surplus.

54.—(1) After the coming into force in any constituent area of the first new valuation list made under the Rating and Valuation Act 1925 the rateable value of that constituent area shall for the purpose of the apportionment of any deficiency in the net revenue of the Board for any year or half-year under section 82 (Apportionment of deficiency in net revenue of Board) of the Act of 1925 and also for the purpose of the apportionment of any surplus amongst the constituent authorities under section 83 (Application of water revenue) of the Act of 1925 be substituted for the assessable value of that constituent area as defined in section 4 (Interpretation) of the Act of 1925.

(2) In this section the rateable value of a constituent area means the total rateable value of the hereditaments in that area ascertained in accordance with the Rating and Valuation Act 1925.

Amending definition of constituent area.

55. The definition of "constituent area" contained in section 4 (Interpretation) of the Act of 1925 is hereby repealed and in this Act and in the Act of 1925 unless the subject or context otherwise requires the expression "constituent area" in relation to a constituent authority shall mean the whole or portion as the case may be of the district of the authority which is included within the limits of supply as defined by the section of this Act of which the marginal note is "Interpretation of terms."

Application of financial provisions of Act of 1925.

56. The following provisions of the Act of 1925 shall subject to the provisions of this Act and with any necessary modifications extend and apply to the exercise

of the powers of this Act as if the same were re-enacted in this Act (that is to say):— A.D. 1927.

- Section 64 (Mode of raising money);
- Section 65 (Board may issue stock);
- Section 67 (Provisions of Public Health Act 1875 as to mortgages to apply);
- Section 68 (Mode of payment off of money borrowed);
- Section 69 (Sinking fund);
- Section 71 (Protection of lender from inquiry);
- Section 73 (Appointment of receiver);
- Section 74 (Power to re-borrow);
- Section 77 (Proceeds of sale of surplus lands);
- Section 78 (Return to Minister of Health with respect to repayment of debt);
- Section 79 (Application of money borrowed);
- Section 84 (Expenses of execution of Act):

Provided that section 67 of the Act of 1925 shall be read and have effect as if the same had been expressed to be made subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

PART VII.

MISCELLANEOUS.

57. The Board may pay out of their revenues as expenses incurred by them under the Act of 1925 and this Act—

- (a) Reasonable subscriptions (whether annually or otherwise) to the funds of any association of water boards or other water undertakers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply or of the officers of any such undertakers or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to water

Subscriptions to associations and payment of certain expenses.

A.D. 1927.

undertakers and any reasonable expenses of the attendance of any members or officers of the Board (not exceeding in any case four) at conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

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

Provided that the amount expended by the Board under this section shall not in any one year exceed one hundred pounds except with the consent of the Minister of Health.

Contracts
by Board.

58. Section 57 of the Commissioners Clauses Act 1847 shall cease to be incorporated with the Act of 1925 and to apply to the Board.

Crown
rights.

59. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Board to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose.

Application
of mis-
cellaneous
provisions
of Act of
1925.

60. The following provisions of the Act of 1925 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (that is to say):—

Section 22 (Power to maintain transferred works);

Section 29 (Power to retain sell &c. lands);

Section 94 (Incorporation of sections 259 and 265 of Public Health Act 1875);

Section 95 (Inquiries by Minister of Health);

Section 97 (Justices not disqualified);

Section 99	(Recovery of penalties &c.);	A.D. 1927.
Section 100	(Recovery of demands);	—
Section 101	(Application of penalties);	—
Section 102	(Authentication and service of notices &c.).	—

61. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of the revenues of the Board or out of money to be borrowed under this Act for that purpose. Costs of Act.

A.D. 1927.

The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

Describing properties whereof portions only are to
be taken:

Parish or District.	Numbers on deposited Plans.
Parish of Burton - - -	25 26 27 28 29.
Parish of Little Stanney - - -	7 18 20.
Parish of Manley - - -	3 5.
Parish of Mouldsworth - - -	6 7 8.
Parish of Thornton-le-Moors - - -	23 24 25.
Parish of Willaston - - -	11.
Urban district of Ellesmere Port and Whitby - - -	19 20.

SECOND SCHEDULE.

FORM OF MORTGAGE.

WEST CHESHIRE WATER BOARD.

By virtue of the West Cheshire Water Board Acts 1925 and 1927 and of other their powers in that behalf them enabling the West Cheshire Water Board (hereinafter referred to as "the Board") in consideration of the sum of

pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the Board by

(hereinafter referred to as "the mortgagee")

do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Board in the said Acts defined as the principal sum 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 principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the

A.D. 1927.

rate of _____ per centum per annum from the _____
_____ day of _____ one thousand nine
hundred and _____ until payment of the
principal sum such interest to be paid half-yearly on the
_____ day of _____ and the
_____ day of _____ in each year the first
payment of interest to be made on the _____ day of
_____ one thousand nine hundred and _____

And it is hereby agreed that the principal sum shall be repaid at
the offices of the Board [(subject as hereinafter provided) on the
_____ day of _____ one thousand nine hundred
and _____] [by _____]:

Provided always and it 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 agreed upon between
the Board and the mortgagee and mentioned in an endorsement
to be made hereon under the hand of the chairman and clerk to
the Board for the time being 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 Board have caused their common seal
to be hereunto affixed this _____ day of _____ one thousand
nine hundred and _____

Chairman of the Board.

Clerk to the Board.

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 annum].

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

[Ch. cxxiii.] *West Cheshire* [17 & 18 GEO. 5.]
Water Board Act, 1927.

A.D. 1927.

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] [of
] in consideration of
the sum of pounds paid to me
by of
(hereinafter referred to as "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 West Cheshire Water Board 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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