



## CHAPTER lxii.

An Act to confer further powers on and to change A.D. 1929.  
the name of the Southport Birkdale and West  
Lancashire Water Board and for other purposes.  
[10th May 1929.]

**W**HEREAS the Southport Birkdale and West Lancashire Water Board (in this Act called "the Board") were incorporated by the Southport Water (Transfer) Act 1901 and powers were conferred upon them by that Act and by the Southport Birkdale and West Lancashire Water Board Act 1905 and the Southport Birkdale and West Lancashire Water Board Act 1907 :

And whereas it is expedient to change the name of the Board :

And whereas it is expedient to empower the Board to construct the works referred to in this Act and to acquire additional lands for the purposes of their undertaking and to make further provision in regard to that undertaking :

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

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

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the purchase of lands - - -	6,000
For the construction of the works authorised by this Act - - -	137,000
For the provision of mains service pipes and meters and other purposes of the Board's undertaking - - -	85,000

[Price 1s. Net.]                      A                      1

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And whereas the several works included in such estimates are permanent works and it is expedient that the Board should be empowered to borrow money as provided by this Act :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands by this Act authorised to be acquired and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county palatine of Lancaster which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

PART I.

PRELIMINARY.

Short and  
collective  
titles.

1.—(1) This Act may be cited as the Southport and District Water Act 1929.

(2) The Southport Water Act 1900 the Southport Birkdale and West Lancashire Water Board Acts 1901 to 1907 the Southport Birkdale and West Lancashire Water Board Order 1919 the Southport Birkdale and West Lancashire Water Board (Modification of Charges) Order 1923 (which Acts and Orders are in this Act referred to as "the existing Acts") and this Act may be jointly cited as the Southport and District Water Acts 1900 to 1929.

Incorporation of Acts.

2. The following enactments (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 (namely) :—

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

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of

superfluous lands) is not incorporated with. A.D. 1929.  
this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 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 except—

(a) The words “with the consent in “writing of the owner or reputed owner of any “such house or of the agent of such owner” in section 44;

(b) Sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

(3) The Waterworks Clauses Act 1863:

(4) The clauses and 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 the construction of those provisions “the railway” shall mean the words authorised by this Act.

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

(a) “The Board” means the Southport and District Water Board;

(b) “The clerk” means the clerk to the Board;

(c) “The undertaking” means and includes the whole of the undertaking for the time being of the Board;

(d) “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

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- (e) "The tribunal" means the tribunal 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;
- (f) "The Minister" means the Minister of Health;
- (g) "The water limits" means the limits for the time being of the Board for the supply of water;
- (h) "The rural council" means the rural district council of West Lancashire;
- (i) "Constituent authority" means a local authority for the time being authorised to appoint a member or members of the Board;
- (j) "Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;
- (k) "The Act of 1901" "the Act of 1905" and "the Act of 1907" mean respectively the Southport Water (Transfer) Act 1901 the Southport Birkdale and West Lancashire Water Board Act 1905 and the Southport Birkdale and West Lancashire Water Board Act 1907;
- (l) "Telegraphic line" has the same meaning as in the Telegraph Act 1878.

PART II.

CHANGE OF NAME.

Change of  
name.

4.—(1) As from the passing of this Act the name of the Board shall be the Southport and District Water Board.

(2) The provisions of Part IV (Change of name) of the Companies Clauses Act 1863 are hereby incorporated with this Act and for the purpose of those provisions the Board shall be deemed to be a company. A.D. 1929. —

(3) The seal of the Board shall be altered in accordance with the provisions of this section.

### PART III.

#### LANDS.

5. Subject to the provisions of this Act the Board may enter upon take and use all or any part of the lands delineated on the deposited plans and described in the deposited book of reference for the following purposes (namely) :— Acquisition of lands.

(1) The construction of the works authorised by this Act;

(2) The protection of the Board's Springfield pumping station in the parish of Aughton against pollution and the extension thereof;

(3) The protection of the Board's Scarth Hill pumping station in the urban district of Lathom and Burscough against pollution and the extension thereof.

6.—(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 and rights 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. Acquisition of easements.

(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

A.D. 1929. — 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 been passed.

(3) 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.

Period for compulsory purchase of lands.

7. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease on the thirty-first day of October nineteen hundred and thirty-two.

Extinction of private rights of way.

8.—(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 be extinguished.

(2) Provided that the Board shall make compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently acquired interest.

9. For the purpose of determining any question of disputed compensation payable in respect of land taken under the powers of this Act the tribunal to whom that question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the seventeenth day of November nineteen hundred and twenty-eight if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Power to purchase additional lands by agreement.

10.—(1) Subject to the provisions of this Act the Board in addition to any other lands acquired or held by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of the undertaking but (except with the consent of the Minister) the quantity of lands held by the Board in pursuance of this section shall not at any time exceed ten acres.

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

11.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Board are empowered to take the Board may by agreement purchase take on lease or otherwise acquire any lands easements or rights and may hold such lands and any other lands which the Board may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes :

Power to  
hold lands  
and  
exercise  
powers for  
protection  
of waters.

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

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

(3) The Board may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Board or by such owners lessees or occupiers of such works as may

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Dwelling-houses for persons in Board's employment.

**12.**—(1) The Board may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of the undertaking and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Board for the purposes of the undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Board for those purposes.

(2) Nothing contained in this section shall empower the Board to create or permit a nuisance.

#### PART IV.

##### WORKS.

Power to make waterworks.

**13.**—(1) Subject to the provisions of this Act the Board may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the county of Lancaster (namely) :—

Work No. 1 A pumping station (to be called "the Blundell House pumping station") comprising a well or wells boreholes adits machinery buildings filters and other works and conveniences to be situate in the township of Halsall in the rural district of West Lancashire;

Work No. 2 An aqueduct comprising a line or lines of pipes commencing in the Blundell House pumping station and terminating in the existing line of pipes at the No. 3 Gorse Hill reservoir of the Board.

(2) In addition to the waterworks hereinbefore described the Board may upon any lands for the time being belonging to them or over which they have or obtain easements make and maintain all such buildings tanks machinery roads tramroads works and apparatus

of whatever character as may be necessary or convenient in connection with or subsidiary to any of the Board's waterworks or necessary for inspecting maintaining repairing cleansing managing working or using the same 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.

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**14.**—(1) In the construction of the works authorised by this Act the Board may deviate to any extent not exceeding the limits of deviation shown on the deposited plans (and where on 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 from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards.

Power to deviate.

(2) Provided that except for the purpose of crossing over a stream or railway no part of the aqueduct authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

**15.**—(1) If the works authorised by this Part of this Act and shown on the deposited plans and sections are not completed by the thirty-first day of October nineteen hundred and thirty-nine then subject to the provisions of subsection (2) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for completion of water-works and enlargement of works.

(2) Provided that the Board may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the Blundell House pumping station make additional wells shafts bores adits headings machinery buildings filters works and conveniences in connection with such pumping station and in the case of the aqueduct authorised by this Act lay down additional lines of pipes as and when occasion may require.

**16.** Subject to the provisions of this Act the Board may collect impound take use divert and appropriate for the purposes of their waterworks all such underground springs and waters as will or may be intercepted by the works authorised by this Act.

Power to take waters.

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Application  
of Water-  
works  
Clauses  
Act 1847.

**17.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of the aqueduct authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Board may erect or lay down for the purposes of the undertaking :

Provided that any telephone or telegraph posts wires conductors or apparatus erected or laid down by the Board under the provisions of this section shall not be used in contravention of the exclusive privilege 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 belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Works to  
form part of  
water under-  
taking.

**18.** The works to be constructed by the Board under the authority of this Act shall form part of the undertaking of the Board.

Temporary  
discharge  
of water  
into  
streams.

**19.**—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Board the Board may cause the water in any such works to be temporarily discharged into any available stream or watercourse and for that purpose the Board may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto.

(2) In the exercise of the powers conferred by this section the Board shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such powers the amount of compensation to be settled in default of agreement by arbitration and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(3) The powers of this section shall not be exercised so as to damage or injuriously affect the railways works or property of the London Midland and Scottish Railway Company or of the Cheshire Lines Committee.

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Provision  
where local  
sources of  
supply  
affected.

20.—(1) If it shall be proved by the owner (which term when used in this section shall include any lessee or occupier) that the pumping by the Board at the Blundell House pumping station has caused any diminution of the supply of water derived from any well borehole or spring of the owner existing at the date of the passing of this Act as an effective source of supply for any purposes such well borehole or spring being situate within a radius of one mile measured from the centre of the main well of the pumping station the Board shall upon the written request of the owner afford to the owner a supply of water equal to the amount of the diminution as so proved at such cost or rate (if any) 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 the pumping station and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

(2) The owner shall without making any charge therefor give the Board every facility for executing and maintaining such works as the Board require to enable them to perform their obligations under this section.

(3) The Board may if they think fit in lieu of making good the diminution proved as aforesaid deepen any affected well or borehole or make such borings therein or headings therefrom as will increase the supply from the said well or borehole so as to make good the diminution so proved and the owner shall without making any charge therefor give the Board access and every facility for carrying out such deepenings borings or headings.

(4) The Board may if they think fit in lieu of affording or increasing any supply under this section make compensation in money to the owner for such diminution and they shall also make compensation in money for any injury caused to the owner by the exercise by the Board of the powers conferred by the last preceding subsection the amount of such compensation to be settled in case of difference by arbitration.

(5) (a) The owner shall afford the officers servants or other representatives of the Board at all reasonable times after the passing of this Act access to the source

A.D. 1929: of supply in respect of which any claim is or may be made under this section for the purpose of ascertaining particulars thereof and the levels of the water therein.

(b) The Board within seven days after they shall have ascertained any such particulars and levels shall send a memorandum thereof by post in a registered letter addressed with a sufficient direction to the owner at his usual place of abode and if the owner shall not within one month after such letter has been so sent give notice in writing to the Board that he does not accept such particulars and levels as correct he shall be deemed to have agreed that they are correct.

(6) The Board shall not be liable in respect of any claim made by the owner under this section if after a reasonable request in writing by the Board he refuses to afford to the officers servants or other representatives of the Board at all reasonable times after the passing of this Act access to the source of supply in respect of which the claim is made for the purpose of ascertaining particulars thereof the levels of the water therein and otherwise for the purposes of this section.

(7) For the purposes of this section the wells the situation of which is shown by a red colour on a map signed by Cecil Burton Ede on behalf of the Board and by Robert Rosbotham on behalf of the rural council shall be deemed to be within the said radius.

(8) Any question or dispute arising under this section shall be referred to and determined by an 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 the provisions of the Arbitration Act 1889 shall apply to any such reference.

For  
protection  
of rural  
council.

21. The provisions of subsections (4) and (5) of section 19 (For protection of rural council) of the Act of 1905 shall so far as the same are applicable and with the necessary modifications extend and apply to and enure for the protection of the rural council with respect to the works by this Act authorised as if the words "Work No. 2" were substituted for the words "No. 1" in paragraph (b) of subsection (4) of the said section.

PART V.

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SUPPLY OF WATER.

**22.**—(1) Section 35 of the Waterworks Clauses Act 1847 in its application to the Board shall be read and construed as if the words “one eighth part” were substituted therein for the words “one tenth part.”

Application  
of section  
35 of  
Waterworks  
Clauses  
Act 1847.

(2) This section shall not apply within the area for the time being of the rural district of West Lancashire.

**23.**—(1) The Minister may on the application of the Board by order amend section 42 (Rates at which water is to be supplied for domestic purposes) of the Act of 1901 as modified by the Southport Birkdale and West Lancashire Water Board (Modification of Charges) Order 1923 and may substitute for the scale of rates therein mentioned a new scale of rates based on the net annual value of the premises supplied with water and so calculated as to produce as nearly as may be the same revenue as the scale of rates for which it is substituted and make such adaptations in the provisions of the Act of 1901 and the said order as may be consequential on or incidental to the alteration of the basis of the scale of rates and shall fix the date when the new scale of rates shall come into force.

Power to  
Minister to  
alter basis  
and scale of  
water rates.

(2) The Board on making any application under this section shall give notice in writing to the rural council of the new scale or scales of rates proposed by them and the rural council shall be entitled to make representations thereon to the Minister and to be heard at any inquiry which the Minister may direct.

(3) Nothing in this section shall affect clause 2 of the agreement contained in the Second Schedule to the Act of 1901.

**24.**—(1) Any district council in respect of the part of their district within the water limits may give and enter into any guarantee or contract for securing payment to the Board of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Board for the purpose of or with respect to the providing or laying down by the Board of any pipe or works for the supply of water within any part of such district which is within the water limits.

Guarantees  
by district  
councils.

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(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise any money which may become payable to the Board under this section in like manner as money may be raised under the provisions of any such general Act :

Provided that where such money is raised by means of a rate in a rural district such rate shall be or shall be deemed to be a special rate.

Supply of  
water to  
houses  
partly  
used for  
trade &c.

**25.**—(1) The Board shall not be bound to supply with water otherwise than by meter—

(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;

(b) any nursing home asylum (whether public or private) club hotel public-house inn common lodging-house public assembly hall restaurant or any school not maintained by a local education authority; or

(c) any boarding-house or lodging-house capable of accommodating twelve or more persons including the persons usually resident therein.

(2) The Board shall not be bound to supply with water otherwise than by meter any building or premises to which or to any part of which water is supplied by meter for the purpose of watering a garden or washing a carriage or motor car in cases where the Board have reasonable ground to believe that water supplied by them otherwise than by meter has been used for any of those purposes :

Provided that—

(a) before the Board in the exercise of the powers of this subsection decline to supply any person with water otherwise than by meter they shall give notice thereof to such person who shall be entitled within fourteen days after such notice to appeal against the decision of

the Board to a court of summary jurisdiction provided he give not less than three days' notice of such appeal to the Board; and

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(b) on any such appeal the court shall have power to award costs.

(3) The price to be charged for a supply of water by meter under this section shall not exceed the price mentioned in section 50 of the Act of 1901 as modified by any order made under the Water Undertakings (Modification of Charges) Act 1921 for the time being in force :

Provided that the amount to be paid under the provisions of this section exclusive of meter rent shall not in any one quarter be less than the sum which would have been payable in respect of such premises had the supply thereto been furnished at the rate for the time being payable for water supplied for domestic purposes.

(4) Section 46 of the Act of 1901 is hereby repealed.

**26.** The provisions of section 43 (Rates for water-closets and baths) of the Act of 1901 as amended by the Southport Birkdale and West Lancashire Water Board (Modification of Charges) Order 1923 shall apply to every bath having an emptying aperture and capable of containing more than twenty gallons as if it were a fixed bath.

Amend-  
ment of  
section 43  
of Act  
of 1901.

**27.—**(1) Where a person who takes a supply of water for domestic purposes desires to use the water for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Board may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first Any sums chargeable under this subsection shall be paid quarterly in advance and be in addition to the rates for the time being authorised by or under the existing Acts or this Act for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

Charges for  
hose-pipes  
and re-  
frigerating  
apparatus.

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—

(2) Where a person who takes a supply of water from the Board for any purpose desires to use the water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus depending for proper use upon a constant supply of running water the Board may if they think fit require that all water used for or in connection with the said apparatus shall—

(a) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by meter shall be ten shillings; or

(b) be paid for at such rates as may be agreed between the person and the Board.

Special  
terms for  
supplies to  
caravans  
&c.

28. Notwithstanding anything in any Act or Order relating to the Board a person shall not be entitled to demand or continue to receive from the Board a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Board to take such supply by meter or on such terms as he and the Board shall agree and unless he has secured to the reasonable satisfaction of the Board by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Water rent  
in case of  
two or more  
houses  
in one  
occupation.

29. Where two or more houses or buildings are connected by any internal means of communication or by any bridge subway yard or passage not being a public highway and such houses or buildings are in the occupation of one and the same person they shall for the purposes of water rates be deemed to be one tenement having a gross value equal to the aggregate gross values of the two or more houses or buildings.

Recovery  
of rates  
from  
persons  
removing.

30. If a justice is satisfied on complaint by any collector of the Board that any person is quitting or about to quit any premises to which the Board supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand

authorising the said collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons. A.D. 1929.

**31.** Notwithstanding anything contained in any Act relating to the Board the Board shall have the exclusive right of executing any works on any of the water mains of the Board for connecting any communication pipe therewith and the Board shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Board execute on any such main any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and any expenses incurred by the Board in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt.

Board to connect communication pipes with mains.

**32.—(1)** If it should appear to the Board that by reason of any injury to or defect in any communication pipe which the Board are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to any person or property it shall be lawful for the Board to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been ascertained the expenses incurred by the Board for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable summarily as a civil debt by the Board from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Power to Board to repair communication pipes.

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

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—  
Mainten-  
ance of  
common  
pipe.

**33.** When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Board in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the engineer of the Board or other officer duly authorised in that behalf by the Board.

Opening  
of ground  
by person  
liable to  
maintain  
pipes &c.

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

(2) The Board may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Board shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Stop-cocks  
to be fitted  
in com-  
munication  
pipes.

**35.** In the case of all buildings erected after the passing of this Act within the water limits and connected with the mains of the Board the Board may in cases where the communication pipes are laid by the owner or by the Board at his request require the owner at the time when the pipes are laid to insert or to have inserted a stop-cock in the communication pipe to the said premises in some position as near as is reasonably possible to the main of the Board from which the supply is given to the said premises and if such owner make default the Board may insert a stop-cock in such communication pipe and recover the expense from the owner summarily as a civil debt.

**36.** Subject to the provisions of the Waterworks  
Clauses Act 1847 with respect to the breaking up of streets  
for the purpose of laying pipes the Board may for the  
purposes of measuring the quantity of water supplied or  
for preventing and detecting waste affix and maintain  
meters and similar apparatus on the service pipes and  
mains of the Board and stop-cocks in the pipes supplying  
houses or other premises with water and may insert in  
the roads or footways the necessary covers or boxes for  
giving access and protection thereto and may for that  
purpose break up and interfere temporarily with public  
and private streets sewers gas or water pipes electric  
lines wires and apparatus :

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—  
Meters in  
streets to  
measure  
water or  
detect  
waste.

Provided that the Board shall not under the powers  
of this section enter upon break up or interfere with the  
railway or works or any electric lines wires or apparatus  
belonging to the London Midland and Scottish Railway  
Company or to the Cheshire Lines Committee or any  
street belonging to such company or committee without  
the consent of the owner thereof or unreasonably interfere  
with or render less convenient the access to or exit from  
any station or depot of the said company or committee :

Provided also that the Board shall not interfere  
with any telegraphic line belonging to or used by the  
Postmaster-General except in accordance with and sub-  
ject to the provisions of the Telegraph Act 1878.

**37.** Where the water limits are bounded by or abut  
upon any street wholly outside such limits the Board  
may for the purpose of supplying water to the owner or  
occupier of any premises abutting upon such street and  
being within such limits exercise with respect to such  
street the like powers of breaking up the same for the  
purposes of laying maintaining inspecting repairing and  
renewing pipes as are exerciseable by them with respect  
to streets within the water limits and subject to the like  
conditions and the owner and occupier of any such  
premises may for the purpose of laying any communica-  
tion pipe or of complying with any obligation to maintain  
any pipe or apparatus which he is liable to maintain  
exercise the like power of opening the ground between  
any main or pipe of the Board and his premises and of  
opening or breaking up so much of the pavement of the

As to  
streets  
forming  
boundary  
of limits  
of supply.

A.D. 1929. street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street were within the water limits:

Provided that nothing in this section shall entitle or require the Board to supply water to the owner or occupier of any premises abutting upon any such street and being outside the water limits.

Power to  
remove  
meters and  
fittings.

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

Extension  
of power  
to inspect  
premises.

**39.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any officer of the Board may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or from making an examination under either of those sections he shall for every such offence be liable to a penalty not exceeding five pounds.

Power to  
provide  
water  
tanks under  
streets.

**40.—(1)** The Board may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and with the written consent of the local authority and road authority construct place fix and maintain in or under any street within the water limits tanks or other receptacles for water for use by the users of mechanically propelled vehicles with all necessary or convenient apparatus and appliances (including covers or boxes and

pillars or stand-pipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles. A.D. 1929.

The Board shall not under the powers of this section construct or place any such tank or receptacle as aforesaid on any county bridge or the approaches thereto.

(2) The Board may make and recover such charges as they may think fit for any water so taken or used and make regulations as to the taking or use of such water and the issuing of permits for such taking or use and the mode of payment of the charges of the Board therefor.

(3) If any person shall take or use any water from any such tank or receptacle as aforesaid without being duly authorised so to do by the Board he shall be deemed to have committed an offence under section 59 of the Waterworks Clauses Act 1847.

(4) The Board may attach to any lamp-post pole or standard or other similar erection erected on or in any street under or near to which any such tank or other receptacle is constructed or placed signs or directions indicating the position of such tank or other receptacle and the means by which water may be obtained from the same and may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions :

Provided that—

- (a) The Board shall not erect place fix or maintain any such posts or poles in any part of the highway without the written consent of the local authority and road authority;
- (b) The Board shall give notice in writing to the owner of such lamp-post pole standard or similar erection of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Board shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment;

A.D. 1929.  
—

- (c) The Board shall not attach any signs or directions to any post pole or standard belonging to the Postmaster-General except with his consent in writing;
- (d) The Board shall not attach any such sign or direction to any guide or road sign post direction arm or similar erection provided or maintained by the county council of the administrative county of the county palatine of Lancaster without the consent of such council in writing;
- (e) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(5) The Board shall not under the powers of this section construct place or fix any such tank or receptacle or any appliances in connection therewith in any street belonging to the London Midland and Scottish Railway Company or to the Cheshire Lines Committee on any bridge or the approaches thereto carrying any street or road over the railway of such company or committee or under any bridge carrying any such railway over any street or road within ten feet of any abutment of such bridge or so as to interfere with or render less convenient the access to or exit from any station or depot of such company or committee nor shall the Board attach any signs or directions to any lamp-post standard or similar erection belonging to such company or committee except with the consent of the owner thereof.

Penalty for  
closing  
valves and  
apparatus.

**41.** Every person who shall wilfully (without the consent of the Board) or negligently close or shut off any valve cock or other work or apparatus belonging to the Board whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Board) be liable on conviction to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained :

Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

42. 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 the 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 communication 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 the said section shall extend and apply accordingly.

A.D. 1929.

—  
Penalty for  
interfering  
with valves  
&c.

## PART VI.

### FINANCIAL PROVISIONS.

43.—(1) The Board may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes under-mentioned any sums not exceeding the following sums (that is to say) :—

Power to  
borrow.

- (a) The purchase of land the sum of six thousand pounds;
- (b) The construction of the works authorised by this Act the sum of one hundred and thirty-seven thousand pounds;
- (c) The provision of mains service pipes and meters and other purposes of the undertaking eighty-five thousand pounds;
- (d) The payment of the costs charges and expenses of this Act and the sum requisite.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Board may mortgage or charge the revenue of the undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect within the districts of the constituent authorities under the powers of the Southport and District Water Acts 1901 to 1929.

[Ch. lxii.] *Southport and District* [19 & 20 GEO. 5.]  
*Water Act, 1929.*

A.D. 1929.

(3) Moneys borrowed under this section shall be repaid within the following periods (that is to say) :—

Money borrowed for purpose (a) within sixty years from the date or dates of borrowing ;

Money borrowed for purpose (b) within forty years from the date or dates of borrowing ;

Money borrowed for purposes (c) within thirty years from the date or dates of borrowing ;

Money borrowed for purpose (d) within five years from the passing of this Act.

The above-mentioned respective periods shall be deemed to be the prescribed periods within the meaning of the sections of the Act of 1901 applied by the section of this Act whereof the marginal note is "Financial and other provisions of Act of 1901 to apply" and such repayment shall be made either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Power to  
re-borrow.

44.—(1) The Board shall have power—

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended forthwith to be repaid ; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan

which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section. A.D. 1929.  
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(3) The Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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

(a) by instalments or annual payments; or

(b) by means of a sinking fund; or

(c) out of moneys derived from the sale of land; or

(d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 10 (Power to re-borrow) of the Act of 1907 is hereby repealed.

45. Any constituent authority of the Board may with the consent of the Minister 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.

Provided that the consent of the Minister 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.

46. The Board may from time to time lend for any period not exceeding twelve months or with the consent of the Minister for any longer period to any constituent authority of the Board 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.

Power to Board to lend money temporarily to constituent authorities.

47.—(1) The clerk shall if and when he is requested by the Minister so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Board under any statutory borrowing power.

Return to Minister with respect to repayment of debt.

A.D. 1929.  
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(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer of the Board and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Board shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force requiring an annual return to be made by the Board with regard to the repayment of debt is hereby repealed.

Subscrip-  
tions to  
associations  
and other  
expenses.

48. The Board may pay reasonable subscriptions whether annually or otherwise to the funds of any association of undertakers for the supply of water or their officers formed for the purpose of consultation as to their common interests 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 such association and the cost of purchasing reports and contributing towards the expenses of the

proceedings of any such conferences or meetings and the reasonable expenses incurred by the Board in the entertainment of representatives of other authorities visiting the Board's works. A.D. 1929.  
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49.—(1) Notwithstanding anything contained in section 76 (Application of water revenue) of the Act of 1901 the Board may postpone the repayment to the constituent authorities of the amounts paid by them to make good any deficiency in the revenue of the Board and the payment of interest thereon until they shall have provided the reserve fund authorised by that section and have made such reductions in the water rates and charges as the Board may think fit. Amend-  
ments of  
section 76  
of Act of  
1901.

(2) The words "under this Act" wherever they appear in the said section 76 are repealed.

## PART VII.

### MISCELLANEOUS PROVISIONS.

50.—(1) For the purposes of section 34 (Power to alter constitution of Board) of the Act of 1905 the inclusion of any part of the rural district of West Lancashire in an urban district shall have the same effect as such part becoming an urban district and that section shall apply to the council of the district in which such part of the rural district is included as if it were the council of an urban district formed out of such part of the said rural district : Amend-  
ment of  
section 34  
of Act of  
1905.

Provided that the said section 34 shall not apply in any case in which the area included in the urban district is so small that the Minister does not consider the application of the said section to be necessary.

(2) The provisions of the agreement with the rural council scheduled to the Act of 1901 shall not enure or be for the benefit of the whole or any part of an urban district enlarged by the inclusion therein of any part of the rural district of West Lancashire.

51. The Board shall have power to promote or oppose Bills in Parliament or Provisional Orders and to prosecute or defend legal proceedings. Power to  
promote or  
oppose any  
Bill.

A.D. 1929.

Incorporation of sections 259 and 265 of Public Health Act 1875.

**52.** Section 259 (Appearance of local authorities in legal proceedings) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively and the Acts relating to the Board were therein referred to instead of the Public Health Act 1875.

Evidence of appointments authority &amp;c.

**53.** Where in any legal proceedings taken by or on behalf of or against the Board or any officer servant solicitor or agent of the Board or any committee of the Board under this Act or under any general or local Act for the time being in force it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee of the Board or to prove any resolution or order of the Board or any resolution order or report of any committee of the Board a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Board or of the clerk shall be *prima facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentication and service of notices &amp;c.

**54.**—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force requires authentication by the Board the signature of the clerk or other duly authorised officer of the Board or his name affixed to any such notice or demand in print or by a stamp shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served :

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

(3) Section 81 (Authentication and service of notices &c.) of the Act of 1901 is repealed. A.D. 1929.

**55.** Where under this Act or under any general or local Act for the time being in force the Board give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Board.

**56.** Where the payment of more than one sum by any person is due under this Act or any Act or Order relating to the Board any summons or warrant issued for the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Several sums in one summons.

**57.—**(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875. Inquiries by Minister of Health.

(2) The Board shall pay to the Minister any expenses incurred by the Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister not exceeding five guineas a day for the services of such inspector.

**58.** The under-mentioned sections of the Act of 1901 (that is to say) :— Financial and other provisions of Act of 1901 to apply.

Section 39 (Persons under disability may grant easements &c.);

Section 63 (Mode of raising money);

Section 64 (Provisions of Public Health Act as to mortgages to apply);

Section 67 (Sinking fund);

Section 68 (Protection of lender from inquiry);

A.D. 1929.

Section 69 (Board not to regard trusts);  
Section 70 (Appointment of receiver);  
Section 73 (Application of money borrowed);  
Section 79 (Judges not disqualified); and  
Section 82 (Recovery of penalties &c.);

shall apply and have effect mutatis mutandis to and in relation to the borrowing and other powers by this Act authorised.

Costs of  
Act.

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

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