



CHAPTER xlvii.

An Act to constitute and incorporate a joint board consisting of representatives of the urban district councils of Trowbridge and Melksham and the rural district councils of Melksham and Westbury and Whorwellsdown to transfer to and vest in the Board the undertaking of the Trowbridge Water Company to authorise the Board to supply water and for other purposes. A.D. 1931.
[8th July 1931.]

WHEREAS the urban districts of Trowbridge and Melksham in the county of Wilts are urban districts within the meaning of the Public Health Act 1875 and the Local Government Act 1894 and are respectively under the management and control of the urban district council of Trowbridge and the urban district council of Melksham :

And whereas the rural district of Melksham and the rural district of Westbury and Whorwellsdown in the said county are rural districts within the meaning of the said Acts and are respectively under the management and control of the rural district council of Melksham and the rural district council of Westbury and Whorwellsdown :

And whereas the Trowbridge Water Company (in this Act referred to as "the company") under and by virtue of the Trowbridge Water Acts 1873 and 1878 the

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A.D. 1931. — Trowbridge Water Company (Modification of Charges) Order 1923 and the Trowbridge Water Order 1926 have constructed waterworks and are supplying water within part of the limits of supply referred to in the said Acts which comprise the whole of the districts of the said urban district councils and of the rural district council of Melksham and part of the district of the rural district council of Westbury and Whorwellsdown :

And whereas the company's authorised capital amounts to seventy thousand pounds and the issued capital now amounts to sixty-four thousand pounds consisting of forty thousand pounds ordinary stock entitled to a maximum dividend of ten per centum and twenty-four thousand pounds ordinary stock entitled to a maximum dividend of seven per centum (unless a larger dividend shall at any time be necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rates) and premiums to the amount of two hundred and fifty-three pounds have been received on the issue of such capital :

And whereas the company have also raised the sum of nineteen thousand five hundred pounds by the issue of debenture stock and by borrowing :

And whereas it is expedient that the water supply of the area defined in this Act should be under public control and that the undertaking of the company should be transferred to and vested in a water board (in this Act referred to as " the Board ") consisting of representatives of the said councils to be constituted as in this Act provided and that the Board should be empowered to supply and distribute water throughout the limits defined in this Act :

And whereas the existing works of the company are insufficient to provide an adequate supply of water throughout their limits of supply and it is expedient that the Board should be empowered to borrow moneys for the construction of new mains and extensions of mains and new service reservoirs and other works :

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

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

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

	£
For new mains and extensions of mains	7,500
For new service reservoirs balancing tank and boosting plant - - -	12,500

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 as extended by the Local Government Act 1929 have been observed :

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.

1. This Act may be cited as the Trowbridge Melksham and District Water Board Act 1931. Short title.

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

Part I.—Preliminary.

Part II.—Establishment of Board.

Part III.—Transfer of undertaking of company.

Part IV.—Waterworks and lands.

Part V.—Supply of water.

Part VI.—Financial.

Part VII.—Miscellaneous.

Division of
Act into
Parts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not

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A.D. 1931. inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say) :—

- (1) The provisions of the Commissioners Clauses Act 1847 with respect to the following matters (namely) :—

The contracts to be entered into and the deeds to be executed by the commissioners ;

The liabilities of the commissioners and legal proceedings by or against the commissioners ;

- (2) The Lands Clauses Acts except the provisions with respect to the purchase and taking of lands otherwise than by agreement ;

- (3) The Waterworks Clauses Act 1847 except 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 and except sections 75 to 83 :

Provided that section 35 of the Act in its application to the Board shall be read and construed as if the words “ one-eighth part ” were substituted for the words “ one-tenth part ” ; and

- (4) The Waterworks Clauses Act 1863.

Interpreta-
tion.

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 shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that for the purposes of this Act the expressions “ the commissioners ” “ the undertakers ” and “ the promoters of the undertaking ” in the provisions of the Commissioners Clauses Act 1847 the Waterworks Clauses Acts 1847 and 1863 and the Lands Clauses Acts as incorporated with this Act mean the Board. And in this Act unless the subject or context otherwise requires—

“ The Board ” means the Trowbridge Melksham and District Water Board incorporated by this Act ;

“ The clerk ” means the clerk to the Board ;

“ The treasurer ” means the treasurer to the Board ;

“ The Trowbridge Council ” means the Trowbridge Urban District Council; A.D. 1931.

“ The Melksham Council ” means the Melksham Urban District Council;

“ The Melksham Rural Council ” means the rural district council of Melksham;

“ The Westbury Council ” means the rural district council of Westbury and Whorwellsdown;

“ The constituent authorities ” means the Trowbridge Melksham Melksham Rural and Westbury Councils and “ constituent authority ” means one of those councils;

“ Constituent area ” in relation to a constituent authority means the whole or portion (as the case may be) of the district of the authority which is included within the limits of supply;

“ The company ” means the Trowbridge Water Company;

“ The directors ” means the directors of the company;

“ The Act of 1873 ” means the Trowbridge Water Act 1873;

“ The Act of 1878 ” means the Trowbridge Water Act 1878;

“ The Order of 1926 ” means the Trowbridge Water Order 1926 which was scheduled to and confirmed by the Ministry of Health Provisional Orders Confirmation (No. 9) Act 1926;

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;

“ The undertaking of the company ” includes—

(a) all the lands buildings waterworks machinery mains pipes plant and apparatus deeds agreements contracts plans specifications engineers' opinions and reports books vouchers letters and other documents stores and other property of the Company on the day of transfer;

(b) all bank balances and cash and other balances (including consumers' deposits) in

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the hands of the company or in the hands of their bankers agents or servants on the day of transfer and investments and securities for money ;

(c) all rates rents book debts and other sums of money which on the day of transfer are due or payable to or are accruing due to the company ;

(d) all rights powers and privileges vested in or had or enjoyed by the company at the day of transfer ;

(e) all other the real and personal property assets and effects of the company of whatever nature on the day of transfer ;

but does not include—

(i) the directors' minute books and other books and papers relating exclusively to the shareholders in and the constitution of the company which may be necessary to be retained for the purpose of winding up the company ;

(ii) such a sum as may be required to enable the company to pay (in respect of the year one thousand nine hundred and thirty-one or any portion of that year for which a dividend shall not have been paid) a dividend at the rate of eight pounds per centum per annum on such of their ordinary stock as is entitled to a maximum dividend of ten per centum and at the rate of five pounds twelve shillings per centum on such of their ordinary stock as is entitled to a maximum dividend of seven per centum ;

“ The day of transfer ” means the first day of January one thousand nine hundred and thirty-two ;

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

“ The undertaking ” means and includes the water-works of the Board and the works connected therewith vested in and transferred to them by

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or under this Act and all waterworks which may hereafter be constructed or acquired under any of the powers of this Act or any other Act or Order;

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“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Board;

“ 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;

“ The revenues of the Board ” includes the revenues of the Board from time to time arising from the undertaking or from any land or other property for the time being belonging to the Board and the money receivable by them from the constituent authorities and all rates and money which they are authorised to levy and collect within the limits of supply under the powers of this Act.

5. The Board shall not exercise the powers conferred upon them by Part IV (Waterworks and lands) and Part V (Supply of water) of this Act until the day of transfer.

Commence-
ment of
Parts IV
and V of
Act.

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PART II.

ESTABLISHMENT OF BOARD.

Establish-
ment of
Board.

6.—(1) A Board to be called the “Trowbridge Melksham and District Water Board” shall be established for the purpose of acquiring the undertaking of the company and managing and carrying on the undertaking and of supplying water within the limits of supply and generally for the purpose of carrying the powers of this Act into execution.

(2) The Board shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands without licence in mortmain.

(3) The constitution of the Board shall (subject to alteration by the Minister of Health as hereinafter provided) be as follows :—

Six members to be appointed by the Trowbridge Council;

Three members to be appointed by the Melksham Council;

Two members to be appointed by the Melksham Rural Council;

One member to be appointed by the Westbury Council.

(4) The chairman of the Board shall be appointed by the Board but need not be appointed from the members of the Board. A co-opted member shall be deemed to be a member of the Board.

(5) The Board may pay to the chairman such salary as the Board may determine.

(6) The vice-chairman shall be appointed by and from the members of the Board.

Proceedings
of Board.

7. Subject to the provisions of this Act the provisions of the First Schedule to this Act with respect to the constitution and proceedings of the Board shall have effect.

Power to
alter
number of
members.

8. On the application of any of the constituent authorities the Minister of Health may at any time after giving notice of the application to the other constituent

authorities and considering any objections or representations made by them by order alter the number and proportion of members to be appointed by the constituent authorities and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration including an alteration in the number of members to form a quorum.

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9. If at any time the boundaries of the districts of any of the constituent authorities are altered or the whole or any part of them is created or included in a municipal borough then and in every such case the Minister of Health may by order to be published as he shall direct make such provision as to him seems fit for adapting the provisions of this Act to the alterations so made and to the incidents and consequences thereof and every such order shall notwithstanding anything contained in this Act to the contrary have effect as if the terms thereof were inserted in this Act but the Minister of Health shall not make such an order until he has held a local inquiry on the subject of which notice has been given by advertisement or otherwise as the Minister of Health may direct and an opportunity has been given to any person who appears to the said Minister to be affected of stating any objections he may have thereto.

Provision in event of alteration of districts.

PART III.

TRANSFER OF UNDERTAKING OF COMPANY.

10. On the day of transfer or on such later day as the price or consideration referred to in subsection (1) of the next succeeding section of this Act is paid and satisfied or paid into or deposited with the Bank of England under the provisions of this Act the undertaking of the company shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Board subject to the provisions of this Act and to the mortgages and debenture stock of the company.

Transfer of undertaking of company.

11.—(1) The price or consideration to be paid by the Board to the company shall be the sum of ninety thousand eight hundred and eighty pounds and shall be paid and satisfied on the day of transfer by the issue by the Board to the company or to the company's nominees of five per centum stock of the nominal value of ninety

Consideration payable to company.

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A.D. 1931. — thousand eight hundred and eighty pounds created by virtue of the section of this Act of which the marginal note is "Creation of stock as consideration for transfer" and issued by the Board under the provisions of this Act. The certificates of such stock shall be made out in the names of such persons as the company having regard to the provisions of the section of this Act of which the marginal note is "Distribution of stock among stockholders of company" may require.

(2) The Board shall also pay to the company the costs of winding up the company not exceeding the sum of fifty pounds.

Distribution
of stock
among
stockholders
of company.

12.—(1) The said amount of ninety thousand eight hundred and eighty pounds five per centum stock of the Board shall be distributed by the directors among the several persons who on the fifteenth day of December one thousand nine hundred and thirty-one are the registered holders of ordinary stock in the capital of the company or their respective executors or administrators (in this section referred to as "holders") as follows:—

(a) the sum of sixty-four thousand pounds of such stock of the Board among the holders of ordinary stock entitled to a maximum dividend of ten per centum per annum in proportion to the amounts of their respective holdings;

(b) the sum of twenty-six thousand eight hundred and eighty pounds of such stock of the Board among the holders of ordinary stock entitled to a maximum dividend of seven per centum per annum in proportion to the amounts of their respective holdings.

Fractional
parts of five
pounds.

13. In every case in which under the foregoing provisions of this Act a holder of ordinary stock of the company would be entitled to any fractional part of five pounds of stock of the Board or of any amount of such stock including any such fractional part as aforesaid the Board in lieu of registering such holder and issuing a certificate in respect of such fractional part of five pounds of stock or of an amount of stock including such fractional part may pay to the company for transmission to the stockholder a sum in cash equal to the nominal value of such fractional part and the Board shall register such holder and issue a certificate for the amount (if any) of

stock of the Board to which he shall be entitled as aforesaid excluding such fractional part and the receipt of the company for the sum in cash so to be paid as aforesaid shall be a sufficient discharge to the Board in respect of such fractional part. The Board may either cancel all or any of the stock in respect of which such payment has been made or issue the same to any willing purchaser thereof in amounts of five pounds or multiples thereof but not otherwise and any loss or expense which may be incurred in connection with such issue shall be borne by the Board.

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14.—(1) Any stock of the Board issued to holders of stock mortgages or debenture stock of the company in pursuance of the provisions of this Act and any sums of money paid to a holder of ordinary stock of the company under the section of this Act of which the marginal note is "Fractional parts of five pounds" shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the said stock mortgages or debenture stock of the company were respectively held immediately before the day of transfer and so as to give effect to and not to revoke any deed will or other instrument or testamentary or other disposition disposing of or affecting the same and every such deed will instrument or disposition shall take effect with reference to the whole or a proportionate part (as the case may be) of the stock of the Board or sum of money as aforesaid.

Substituted
securities to
be held in
same rights.

(2) Any bequest of or any covenant or provision of any deed will or other instrument relating to any specific or nominal amount of stock mortgages or debenture stock of the company shall be held to apply to the amount of stock of the Board and sum of money (if any) which under the provisions of this Act is to be issued or paid in substitution for such specific or nominal amount of stock mortgages or debenture stock of the company.

(3) Trustees executors and administrators and all other holders in any representative or fiduciary capacity and persons under disability are hereby authorised to accept the stock of the Board so issued to them and sums of money (if any) so paid to them in pursuance of the provisions of this Act for the stock mortgages or debenture stock of the company held by them and may hold dispose of or otherwise deal with such stock of the Board

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A.D. 1931. — and sums of money in all respects as they might have held disposed of or otherwise dealt with the stock mortgages and debenture stock of the company for which the same are substituted and are hereby indemnified in respect of acts bona fide done by them in pursuance of the provisions of this Act.

Persons
under dis-
ability &c.

15.—(1) In case the directors are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any securities ought to be issued or money paid they may deposit or pay such securities or money with or into the High Court under any Act for the time being in force for the relief of trustees and every such payment or deposit shall effectually discharge the company and the directors from any further liability with respect to such securities or money.

(2) If any security or money is issuable or payable to any holder of stock of the company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the company and the directors.

Mortgages
and debenture
stocks of company
to be a
charge on
revenues of
Board.

16. The mortgages and debenture stocks of the company outstanding on the day of transfer and the interest thereon shall on and after the day of transfer and until discharged be a charge on the revenues of the Board. Provided that nothing in this or in any other section of this Act contained shall affect the priority of any rentcharge or sum reserved by or payable under any conveyance or lease granted to the company in pursuance of the Acts of 1873 or 1878 or the Order of 1926 or any Acts incorporated therewith which is entitled to rank in priority to or *pari passu* with the interest on the mortgages and debenture stock of the company.

Power to
redeem
mortgages
and debenture
stocks
of company.

17. The Board may by agreement with the holder of any mortgages or debenture stock of the company at any time substitute for the mortgages or debenture stock so held by him any stock mortgage or other security of the Board or pay off the amount secured by such stock and redeem the security with moneys raised under the powers of this Act and the holder of any such mortgages or debenture stock whether or not he is a trustee or under any disability may agree with the Board to accept any stock or other security of the Board in lieu of money in consideration for his mortgage or debenture stock and

the Board may in either of such cases make such reasonable payment as they may think fit to the holder of any such mortgage or debenture stock for his consent or for otherwise compensating him for the substitution or the payment of or redemption of his security and any such payment may be either by money or by stock mortgage or other security of the Board or partly by one and partly by the other. A.D. 1931.

18. The receipt in writing of three directors for any money or securities paid or delivered to the company shall effectually discharge the Board from the sum or securities which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof and if from any cause the Board are unable to obtain any such receipt they may pay the money or deposit the securities due to the company into or with the Bank of England in the name of the Accountant-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Board by the cashier of the said bank for the money or securities which shall have the same effect as the receipt of three directors. Receipt for consideration.

19. The production of a King's Printers' or Royal Assent copy of this Act duly stamped together with a receipt for the price or consideration purporting to be signed by three directors or in either case by the cashier of the Bank of England shall (unless it be proved that the price or consideration has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Board of the undertaking of the company. Evidence of transfer.

20. The Board shall pay and discharge (so far as the same shall not have been previously discharged by the company) the debts outgoings and liabilities (other than debts outgoings and liabilities in respect of any contract agreement liability or other obligation made or entered into in contravention of the provisions of the section of this Act of which the marginal note is "Exercise of powers until transfer") properly chargeable against the company and shall indemnify the company from all claims in respect thereof and shall be entitled to all rates rents profits and other receipts receivable in respect of the undertaking of the company. Board to pay debts and to be entitled to rents after transfer.

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Exercise of
powers un-
til transfer.

21. Until the day of transfer the company shall maintain and carry on the undertaking of the company as heretofore in the ordinary course of business maintaining normal quantities of consumable stores but the company shall not without the previous consent of the Trowbridge Council under the hand of their clerk make or enter into any new contract agreement liability or other obligation in respect thereof which shall extend beyond the day of transfer nor increase the salary or wages of any of their officers or servants nor vary any of the rates rents or charges which were being demanded and taken by the company on the first day of November one thousand nine hundred and thirty.

Partial
repeal of
Acts and
Orders.

22. As from the day of transfer the Acts of 1873 and 1878 the Order of 1926 and the Trowbridge Water Company (Modification of Charges) Order 1923 (S.R. & O. 1923 No. 241) shall subject to the provisions of this Act be and the same are hereby repealed except so far as may be necessary to give effect to the provisions of the sections of this Act of which the marginal notes are "Distribution of stock among stockholders of company" and "Dissolution of company" and except the provisions of the Acts of 1873 and 1878 and the Order of 1926 which are set out in the Second Schedule to this Act all which provisions shall continue and have effect as if they were re-enacted in this Act with any necessary modifications and as if references to the Board were substituted therein for references to the company.

Compensa-
tion water.

23. The following provisions shall apply and have effect so long as the Board take water from the Biss springs or river Biss unless otherwise agreed between the Board on the one hand and the owners lessees and occupiers (in this section referred to as "the millowners") of the mills and works for the time being using the waters of the river Biss between the point of discharge of the water from the Semington Brook into the river Biss by means of the conduit (S) constructed under the provisions of section 41 of the Act of 1873 and the junction of the river Biss with the river Avon on the other hand (that is to say) :—

- (1) Not later than the thirty-first day of March one thousand nine hundred and thirty-two the millowners shall in writing appoint a person to act on their behalf for the purpose of determining the days on which compensation water shall

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be discharged under the provisions of subsection (3) of this section (in this section referred to as "the millowners' agent") and shall give notice in writing to the Board of such appointment. The millowners' agent shall continue in office until his appointment is determined by at least two-thirds of the millowners. If any vacancy in the office occurs it shall forthwith be filled by the millowners :

- (2) The millowners' agent shall give the Board four clear days' notice in writing of the date on which the Board are to commence the discharge of compensation water under the provisions of subsection (3) of this section and may from time to time by further notice so given require the Board to discontinue the supply of compensation water as from the date referred to in the notice which shall not be less than two clear days after its receipt by the Board. Further notices may from time to time be given by the millowners' agent under the provisions of this subsection but the number of days during which the Board shall be required to discharge compensation water under the provisions of this section shall not in any year ending on the thirty-first day of December exceed one hundred :
- (3) The Board unless prevented by unavoidable cause or accident shall discharge and cause to flow in a continuous stream from six o'clock in the morning to eight o'clock in the evening from the Semington Brook through the Paxcroft Brook to the weir or dam (R) constructed under the provisions of section 41 of the Act of 1873 such a quantity of water as with the quantity of water flowing in the Paxcroft Brook will amount at the said weir or dam during every day in respect of which a notice has been served upon them under subsection (2) of this section to five hundred thousand gallons if and so long as that quantity can be obtained from the Semington Brook at or near the pumping station (O) authorised by section 41 of the Act of 1873 :
- (4) The Board on or before the thirty-first day of March one thousand nine hundred and thirty-two shall erect and construct and shall for ever

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thereafter maintain suitable gauges or meters for measuring on the days on which they are required to discharge compensation water under subsection (2) of this section the quantity of water flowing in the Paxcroft Brook at the weir or dam (R) constructed under section 41 of the Act of 1873 and the said gauges or meters shall at all times be open to the inspection and examination of the owners lessees and occupiers of the said mills :

- (5) The Board (on the days on which they are required to discharge compensation water under subsection (2) of this section) shall discharge and cause to flow through the conduit (S) constructed under the provisions of section 41 of the Act of 1873 so much of the compensation water as that conduit is capable of receiving and the remainder shall be allowed to flow down the Paxcroft Brook and the Board so far as they have power to do so and so far as is practicable without causing damage to any buildings erected thereon shall keep the said conduit (S) clear and in repair :
- (6) In case the Board at any time shall fail or neglect to discharge or cause to flow such compensation water as aforesaid the millowners or any of them shall as against the Board have the same rights and remedies as they would have had against the company in the event of the company failing or neglecting to discharge or cause to flow the compensation water under the Act of 1873.

Savings
from effect
of repeal of
Acts and
transfer of
under-
taking.

24. Notwithstanding the provisions of the section of this Act of which the marginal note is " Partial repeal of Acts and Orders " and notwithstanding the transfer to the Board of the undertaking of the company the following provisions shall have effect (that is to say) :—

- (1) If on the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company in relation to any property debt liability or obligation transferred to the Board the same shall not abate or be discontinued or in anywise prejudicially affected by reason of such transfer but the same (save

so far as it relates to any contract agreement liability or other obligation made or entered into in contravention of the provisions of the section of this Act of which the marginal note is "Exercise of powers until transfer") may be continued prosecuted and enforced by or against or in favour of the Board as and when it might have been continued prosecuted and enforced by against or in favour of the company if this Act had not been passed : A.D. 1931.
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- (2) All rates rents and charges in connection with the undertaking of the company which have been lawfully made charged or imposed and which on the day of transfer are due or if this Act had not been passed would have accrued due shall continue in force and be due and payable and may be collected recovered or enforced by the Board as and when the same might have been payable to and collected recovered or enforced by the company if this Act had not been passed :
- (3) All agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force on the day of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the company the Board had been a party thereto Provided that no agreement conveyance contract deed or other instrument shall be binding on or of any force or effect against or in favour of the Board if entered into or made in contravention of the provisions of the section of this Act of which the marginal note is "Exercise of powers until transfer" The Board shall indemnify the company against all claims and demands under such agreements conveyances contracts deeds and other instruments :
- (4) All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Board.

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Compensa-
tion to
directors
and audi-
tors.

25.—(1) The Board shall on the day of transfer pay by way of compensation for loss of office—

(a) to such of the directors as were in office on the first day of November one thousand nine hundred and thirty and are also in office on the day of transfer the sum of two thousand five hundred pounds in cash or at the option of a majority of the directors in stock of the Board created by virtue of the section of this Act of which the marginal note is “Creation of stock as consideration for transfer” Provided that in the event of the death of a director between the dates hereinbefore mentioned the said sum shall be reduced in the proportion which the fees he received as a director in respect of the year one thousand nine hundred and thirty bore to the total amount paid by the company to the directors in respect of that year; and

(b) to such auditors of the company as were in office on the first day of November one thousand nine hundred and thirty and are also in office on the day of transfer such a sum as represents three years’ purchase of the sum corresponding to their proportion of the total fees payable to the auditors for the year ending on the thirty-first day of December one thousand nine hundred and thirty.

(2) The sums payable or stock issued under this section shall be distributed amongst the directors and auditors entitled to compensation respectively in such proportions as the directors or a majority of them may determine.

Compensa-
tion to
company’s
engineer
and secre-
tary.

26. The Board shall also on the day of transfer pay by way of compensation for loss of office—

(a) to Robert Cecil Pierce the engineer to the company the sum of two hundred pounds;

(b) to Albert Edward King the secretary to the company the sum of three hundred and sixty pounds;

if they hold their respective offices on the thirty-first day of December one thousand nine hundred and thirty-one.

27.—(1) Every officer and servant (other than the directors auditors engineer and secretary of the company) in the regular employment of the company in connection with the undertaking of the company immediately before the day of transfer shall as from the day of transfer become an officer or servant of the Board and shall hold his office or situation by the same tenure and upon like terms and conditions under the Board as he would have held the same under the company if the transfer of the undertaking of the company had not taken place and while performing the same duties shall receive not less salaries wages or pay than he would have been entitled to from the company if the transfer of the undertaking of the company had not taken place.

A.D. 1931.
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Existing
officers and
servants.

(2) Every such officer and servant shall perform such duties in connection with the undertaking as they may be required to perform by the Board.

(3) If within a period of five years (or in the case of the company's local manager seven years) after the day of transfer the services of any such existing officer or servant are dispensed with by the Board because his services are not required and not on account of misconduct incapacity or inefficiency such officer or servant shall be paid compensation by the Board at such rate as may be agreed or failing agreement shall be determined by a single arbitrator to be agreed upon between the parties or failing agreement to be appointed (on the application of either party) by the Minister of Health and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination Provided that in determining the rate of such compensation the arbitrator shall have regard to the officer's or servant's period of service with the company and also in the case of the company's local manager his period of service with any other water company or any local authority and Provided further that such compensation whether agreed or determined by arbitration shall not exceed the compensation which would be payable under the Eighth Schedule to the Local Government Act 1929 if the officer or servant were one to whom that schedule applied and the service referred to in the last preceding proviso to this subsection were service with a local authority for the purposes of paragraph 5 of that schedule.

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Dissolution
of company.

28. The provisions contained in the Third Schedule to this Act with respect to the dissolution of the company shall have effect.

PART IV.

WATERWORKS AND LANDS.

Power to
maintain
&c. trans-
ferred
works.

29. From and after the day of transfer the Board may subject to the provisions of this Act maintain and from time to time repair alter improve enlarge extend and renew or discontinue the waterworks mains pipes and plant to be transferred to and vested in them under the provisions of this Act and may use and employ the same for the purposes of the undertaking and for the supply of water within the limits of supply or under the provisions of this Act and the Board shall in respect of those works plant mains and pipes and the maintenance and future use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated wholly or in part with this Act and the same shall be deemed to and shall be and form part of the undertaking.

Limiting
powers of
Board to
abstract
water.

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

Further
powers in
relation to
water
mains.

31.—(1) The Board shall have and may exercise for any of the purposes of the undertaking within and without the limits of supply the 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 their district and for the purposes of that section the limits of supply shall be deemed to be the district.

(2) In the application to the Board of section 16 of the Public Health Act 1875 the term "surveyor" in that section shall mean and be deemed to refer to the engineer of the Board.

32. The Board may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with this Act.

A.D. 1931.

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Power to
lay pipes in
streets not
dedicated to
public use.

33.—(1) The Board may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

Byelaws for
preventing
pollution of
water.

(2) The byelaws made under this section shall be in force within the parish of Upton Scudamore and the urban district of Westbury or within so much of that parish and district as may be defined in the byelaws.

(3) In addition to the requirements of section 184 of the Public Health Act 1875 the Board shall exhibit in some conspicuous place in the said parish and district copies of the notice referred to in that section and any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the county council of Wilts to the clerk to the urban district council of Westbury and to the clerk to the rural district council of Warminster one month at least before application is made for their confirmation and before confirming the byelaws the Minister of Health shall have regard to any representations thereon which may be made within the said month by either of the said councils.

(5) The Board shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate and such compensation

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A.D. 1931. shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Discharge of
water into
streams.

34.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any reservoir tank aqueduct line of pipes or other work for the time being belonging to the Board the Board may cause the water in any such work to be discharged into any available surface-water sewer stream watercourse or ditch. Provided that any water so discharged shall be as free as may be reasonably practicable from mud or solid or offensive matter.

(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 reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration in accordance with the provisions of the Arbitration Act 1889.

(3) The powers of this section shall not be exercised so as to damage or injuriously affect the railways canals or works of the Great Western Railway Company.

Telephonic
wires and
apparatus in
streets.

35. 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 (a) within the constituent areas or (b) in which any mains pipes or apparatus of the Board may be constructed or laid under the powers of this Act.

For protec-
tion of
Postmaster-
General.

36. 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.

37.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Board are empowered to take or which may flow into any waterworks of the Board the Board may by agreement purchase take on lease or acquire any lands 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 :

A.D. 1931.

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Powers for
protection
of water
supply.

Provided that the Board shall not create nor permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health 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.

(2) The Board may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses 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 traversing the said lands 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 such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Board are for the time being authorised to take.

38. The Board in addition to any land which they may acquire as part of the undertaking of the company may from time to time by agreement purchase take on lease or otherwise acquire and hold for the purposes of the undertaking any lands (not exceeding in the whole ten acres) or any easement right or privilege (not being

Power to
take addi-
tional lands
by agree-
ment.

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A.D. 1931. — an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Board may deem necessary for those purposes and the Board on any lands acquired under this section may execute for the purposes of or in connection with the undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847. Provided that the Board shall not create or permit a nuisance on such lands and shall not 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.

Dwelling-houses for persons in Board's employ.

39. The Board may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the undertaking and may erect maintain and let dwelling-houses for and to such persons 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 the purposes of the undertaking.

Power to retain sell &c. lands.

40.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Board may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any other Act or Order relating to the undertaking and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Board shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests

therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained. A.D. 1931.
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(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Board in any case in which such consent would be required if this Act had not been passed.

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

41. The Board may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Board shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health. Proceeds of sale of surplus lands.

42. The Board on selling any lands acquired by them in connection with the undertaking and not required for that purpose 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 Reservation of water rights &c. on sale.

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A.D. 1931. — 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.

Limits of supply.

43. The limits of this Act for the supply of water shall be—

- (a) the urban district of Trowbridge;
- (b) the urban district of Melksham;
- (c) the rural district of Melksham;
- (d) the parishes of Heywood North Bradley Tything Southwick Tything and West Ashton in the rural district of Westbury and Whorwellsdown and such portions of the parishes of Great Hinton and Steeple Ashton in the same rural district as lie to the west of the county road from Melksham to Westbury; and
- (e) so much of the parish of Bradford Without in the rural district of Bradford-on-Avon as lies to the south of the Kennet and Avon Canal.

Rates for supply of water for domestic purposes.

44.—(1) The Board shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at such rates as the Board may from time to time determine not exceeding fifteen per centum per annum on the net annual value of the house or part of a house supplied. Provided that the Board shall not be required to afford a supply of water for domestic purposes to any premises at a less rate than threepence per week.

(2) The net annual value of any such house or part of a house shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues. Provided that where the water rate is chargeable on the net annual value of a part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual

value of the whole tenement ascertained as aforesaid the appportionment in case of dispute to be ascertained by a court of summary jurisdiction. A.D. 1931.
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(3) In addition to the foregoing rates the Board may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises supplied with water a sum not exceeding five shillings per annum and in respect of every fixed bath capable of containing not more than fifty gallons and of every bath having an emptying aperture and capable of containing more than twenty gallons but not more than fifty gallons a sum not exceeding ten shillings per annum and in respect of every bath capable of containing more than fifty gallons such sum as the Board may think fit. Provided that no charge shall be made by the Board in respect of baths in dwelling-houses having a net annual value not exceeding twelve pounds. The additional sums which may be charged under this subsection shall be paid quarterly in advance and shall be recoverable in all respects with and in the same manner as the water rate.

45. Notwithstanding anything contained in the last preceding section of this Act the Board may charge in the urban district of Melksham and in the rural district of Melksham (except in the parish of Staverton) for the supply of water for domestic and other purposes and in respect of every watercloset beyond the first and in respect of baths any rates or sums not exceeding by more than twelve and one-half per centum the rates and sums for the time being charged in the urban district of Trowbridge. Differential rates in Melksham districts.

46.—(1) Where water supplied for domestic purposes is used for horses or for 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 hosepipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty 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 in addition to the rates for the time being authorised by or under this Charges for hosepipes and refrigerating apparatus.

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and District Water Board Act, 1931.

A.D. 1931. — Act for the supply of water for domestic purposes and shall be paid and recoverable in all respects with and in the same manner as the said rates.

(2) Where water supplied by the Board to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hosepipe or other similar apparatus for horses or for 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 they think fit require that all water so used by means of any such hosepipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

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

- (i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter; or
- (ii) be paid for on such other terms as may be agreed between such person and the Board :

Provided that if the person is only taking a supply of water from the Board for domestic purposes the minimum sum per quarter which may be demanded by the Board for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings.

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

47.—(1) The Board shall not be bound to supply with water otherwise than by measure (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 hospital mental hospital (whether public or private) sanatorium school club hotel 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.

(2) Where a supply of water to a farmhouse is used for farming purposes the Board may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Board to refuse a supply of water for domestic purposes to a farmhouse at the rates authorised by this Act. A.D. 1931.

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall 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 net annual value.

48.—(1) Where the net annual value of a house supplied with water does not exceed twelve pounds or the house is let to weekly or monthly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Board so determine pay the rate for the supply 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 from him 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 upon him of a notice to pay the rate. Rates payable by owners of small houses.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under the provisions of this section by the owner of any house or part of a house and as if such first-mentioned provisions applied in the case of any lease or agreement whether made before or after the passing of this Act.

49. The Board may supply water for other than domestic purposes on such terms and conditions as the Board think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes. Supply by measure.

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and District Water Board Act, 1931.

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Price of
supply by
measure.

50. The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons. Provided that the Board shall be entitled to charge for each such supply (other than a supply given under subsection (3) of the section of this Act of which the marginal note is "Charges for hose-pipes and refrigerating apparatus" or under the section of this Act of which the marginal note is "Supply of water to houses partly used for trade &c.") such minimum sum not exceeding fifteen shillings as they may prescribe in respect of the water supplied in any quarter of a year.

As to
register
of meters.

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

(2) If any meter used by a consumer of water be proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Board shall be paid by or to the Board to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as rates for water are recoverable by the Board.

Special
terms for
supplies to
caravans &c.

52.—(1) Notwithstanding anything in any Act relating to the Board a person shall not be entitled to demand or continue to receive from the Board a supply of water for any caravan shack hut tent or other like structure unless he has agreed with the Board to take a supply of water by meter and to pay to the Board such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in

providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him 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. A.D. 1931.
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(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by whom the costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

53. The Minister of Health may if he thinks fit from time to time on the application of the Board or of any urban or rural district council having jurisdiction within the limits of supply or of twenty consumers by order vary either by way of increase or decrease the rates and charges for the supply of water which the Board are by this Act authorised to charge and such order may provide for the alteration of the basis of such rates and charges : Revision of water rates.

Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum as a contribution towards a reserve fund so long as such fund does not amount to the maximum prescribed by the section of this Act of which the marginal note is "Application of revenue."

54.—(1) Notwithstanding the provisions of section 70 of the Waterworks Clauses Act 1847 the Board may from time to time by resolution declare that all or any of the rates and charges which they are by this Act authorised to demand and make shall commence and be payable at such time or times as the Board may by any such resolution determine Provided nevertheless that nothing contained in this section shall authorise the Board or any constituent authority to require the payment of any rate or charge under this Act more than three months in advance. Dates for payment of water rates &c.

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(2) Every person liable to the payment of such rate or charge who shall remove from the premises in respect of which the rate is paid during any part of the period for which the rate or charge is payable shall not be liable for any part of such rate or charge after the day on which he quits the said premises and if any such person shall have paid any rate or charge for any period for which he is not liable he shall be entitled to repayment thereof by the Board.

(3) Every person who shall commence to occupy any premises in respect of which a rate or charge for the supply of water for domestic purposes is payable after the commencement of the period for which the rate or charge is payable shall pay so much of such rate or charge as is proportionate to the period for which he occupies the premises.

Guarantees
by district
councils.

55.—(1) Any urban or rural district council in respect of any part of their district within the limits of supply 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 limits of supply.

(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 a rural district council by means of a rate such rate shall be deemed to be a special rate but the provisions of this subsection shall not affect the operation of section 56 of the Local Government Act 1929.

Limit of
pressure.

56. The water supplied by the Board within any part of the limits of supply need not at any time be delivered at a pressure greater than that to be afforded

by gravitation from the reservoir or other source from which the supply for that part of the limits of supply is taken. A.D. 1931.
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57. The Board may require that any premises erected after the passing of this Act on land at a higher level than fifty feet below the service reservoir or tank from which a supply of water is furnished by them to such premises shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such premises for a period of twenty-four hours and the Board shall not be required to supply any such premises until the same are provided with a cistern or cisterns in conformity with the requirements of this section. Cisterns to be provided for high level supplies.

58. The Board may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit. Power to sell meters.

59. Before any person connects or disconnects any meter by means of which any of the water of the Board is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Board of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Board and any person offending against this enactment shall for any such offence be liable to a penalty not exceeding forty shillings. Notice to Board of connecting or disconnecting meters.

60.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Board or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Board shall (without prejudice to any other right or remedy for the protection of the Board) be liable to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained. Injuring meters &c.

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(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Board or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Board the Board may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Board by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to
supply
water
fittings.

61.—(1) The Board may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Board in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate

affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Board as the actual owners thereof. A.D. 1931.
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(3) Subject to the proviso to subsection (2) of this section all fittings let by the Board on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Board. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows :—

- (a) The Board shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (b) When a demand note delivered by the Board to a consumer includes a sum charged by the Board in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;
- (c) The total sums expended and received by the Board in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the undertaking for such year.

62. A notice to the Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Board or be given personally at the office of the Board. Notice of discontinuance.

A.D. 1931.

Byelaws for
preventing
waste &c. of
water.

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

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

(3) In case of failure of any persons to observe such byelaws as are for the time being in force the Board may if they think fit after twenty-four hours’ notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Board as the water rates in respect of the premises are recoverable.

(4) Any regulations made by the company under the provisions of the Act of 1873 and in force on the day of transfer shall continue in force until byelaws under this section shall have been made and confirmed.

Meters in
streets to
measure
water or
detect
waste.

64.—(1) 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 of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Board and stopcocks in the pipes supplying houses 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 air or water pipes electric lines wires and apparatus.

(2) Provided that the Board shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878. A.D. 1931.
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65.—(1) The Board shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. Separate communication pipes may be required.

(2) If the owner of any house supplied with water by the Board when so required in pursuance of subsection (1) of this section fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Board may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

66. 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 or service 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 or service 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 as a civil debt. Board to connect communication pipes with mains.

67.—(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 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 expense 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 Power to Board to repair communication pipes.

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and District Water Board Act, 1931.

A.D. 1931. — for those purposes) shall be recoverable 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.

(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.

Mainten-
ance of com-
mon pipe.

68. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the 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 lia-
ble to main-
tain pipes
&c.

69.—(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.

Power to
remove
meters and
fittings.

70. 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. A.D. 1931.
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71. 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. Penalty for closing valves and apparatus.

72. 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 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 the said section shall extend and apply accordingly. Penalty for interfering with valves &c.

73. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 any duly authorised 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 or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds. Extension of power to inspect premises.

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Contracts
for supply-
ing water in
bulk.

74. The Board may enter into and carry into effect agreements with any authority water board company or person for the supply of water beyond the limits of supply to any such authority board company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that such supply shall not be given except with the consent of any authority water board company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply.

PART VI.

FINANCIAL.

Creation of
stock as
considera-
tion for
transfer.

75.—(1) On the passing of this Act there shall by virtue of this section be created so much stock to be called Trowbridge Melksham and District Water Board redeemable five per centum stock (in this section referred to as "stock") as may be necessary to give effect to the sections of this Act of which the respective marginal notes are "Consideration payable to company" and "Compensation to directors and auditors."

(2) Such stock shall be transferable in multiples of five pounds and the holders thereof shall be entitled to interest at the rate of five pounds per centum per annum as from the day of transfer payable on the first day of January and the first day of July in each year the first of such payments to be made on the first day of July one thousand nine hundred and thirty-two and shall be redeemed by the Board at par at the expiration of fifty years from the day of transfer but the Board may purchase such stock or any part thereof by agreement with the holders at any time.

(3) The regulations of the Local Government Board or the Minister of Health made in pursuance of Part V of the Public Health Acts Amendment Act 1890 and for the time being in force shall subject to the provisions of this Act apply to the creation issue transfer and redemption of and other dealings with the stock created by virtue of this section as if the same were stock duly

created and issued by the Board under the provisions of the Stock Regulations 1891 with the consent of the Minister of Health. Provided that the amounts of the several contributions from the revenues of the Board payable in each year for the redemption and extinction or purchase and extinction of stock issued under this section shall be determined by the provisions of paragraph (b) of article 14 (3) of the Stock Regulations 1891 and the rate per centum per annum for the purposes of those provisions shall be three pounds ten shillings or such other rate as the Minister of Health may from time to time approve.

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76.—(1) The Board may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Board may mortgage or charge the revenues of the Board and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table which shall be deemed to be the prescribed periods for the purposes of this Act and the enactments applied by this Act (that is to say) :—

Power to borrow.

1.	2.	3.
Purpose.	Amount.	Period for repayment.
(a) For the purchase of the undertaking of the company (including any moneys payable by the Board on capital account under the section of this Act of which the marginal note is " Board to pay debts and to be entitled to rents after transfer ") and for defraying the costs and expenses incident to such purchase and to the transfer of the said undertaking to the Board (other than the costs of this Act) and for the payment of any sums to any director officer or servant by way of compensation under this Act.	The sum requisite.	Fifty years from the date or dates of borrowing.

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1.	2.	3.
Purpose.	Amount.	Period for repayment.
(b) For new mains and extensions of mains.	£ 7,500	Forty years from the date or dates of borrowing.
(c) For new service reservoirs balancing tank and boosting plant.	12,500	Forty years from the date or dates of borrowing.
(d) For working capital - - -	10,000	Ten years from the date or dates of borrowing.
(e) For paying any sums payable by the Board under the section of this Act of which the marginal note is "Costs of Act."	The sum requisite.	Five years from the date of 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 required for the purposes of the undertaking.

(b) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Board may mortgage or charge the revenues of the Board.

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health and that period shall be the prescribed period for the purposes of this Act and the enactments applied by this Act.

Mode of
raising
money.

77. The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purpose of such issue under the Local Loans Act 1875 the Board shall be deemed a local authority under that Act and the revenues of the Board shall be deemed to be the local rate as defined by that Act Provided that in the case of any moneys borrowed under that Act the prescribed period for the repayment of the same shall be the period mentioned in respect of such moneys in the section of this Act of which the marginal note is "Power to borrow":

Provided further that the provisions of this Act in regard to sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875. A.D. 1931.
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78. The Board shall be deemed to be an urban authority within the meaning of Part V of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act and may exercise their borrowing powers by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained and the regulations made thereunder. Provided that the Minister of Health may by order make all such variations additions amendments and adaptations of all or any of the provisions contained in the said Part of the said Act or in the regulations made thereunder as may be necessary to make the same applicable. And provided also that the amounts of the several contributions from the revenues of the Board payable in each year for the redemption and extinction or purchase and extinction of stock issued under this section shall be determined by the provisions of paragraph (b) of article 14 (3) of the Stock Regulations 1891 and the rate per centum per annum for the purposes of those provisions shall be three pounds ten shillings or such other rate as the Minister of Health may from time to time approve. Board may issue stock.

79. All mortgages debentures annuity certificates and stock granted or issued by the Board under any statutory borrowing power and all stock created by virtue of the section of this Act of which the marginal note is "Creation of stock as consideration for transfer" and the mortgages and debenture stock of the company for the time being outstanding and the interest thereon respectively shall be charged indifferently on all the revenues of the Board and 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 granting or issue of the security or on any other account whatsoever. Mortgages &c. to rank pari passu.

80. Every mortgage to be granted by the Board shall be by deed duly stamped in which the consideration shall be truly stated and may be in the form contained in the Fourth Schedule to this Act or to the like effect Subject to the provisions of this Act sections 237 and Form of mortgage Register of mortgages &c.

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A.D. 1931. — 238 of the Public Health Act 1875 shall apply to the Board as if they were a local authority within the meaning of that Act.

Manner in which mortgages to be signed and executed.

81. Every mortgage to be granted by the Board may be partly in writing and partly in print and shall in addition to being under the common seal of the Board be signed by at least two members and the clerk or the treasurer. Provided that none of the said persons shall by his subscription to any such mortgage be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed or any interest thereon or of any sums whatsoever in respect thereof.

Transfer of mortgages.

82. Any person entitled to any such mortgage may transfer his right and interest therein in whole or in part to any other person and every such transfer shall be by deed or by endorsement on the mortgage duly stamped wherein the consideration shall be truly stated and may be in the form contained in the Fourth Schedule to this Act or to the like effect.

Mortgages to be personal property.

83. All mortgages granted by the Board under the authority of this Act and all money advanced or lent on the security of the revenues of the Board shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Transmission of mortgages in case of bankruptcy.

84. If any mortgage granted by the Board under the authority of this Act be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the Board official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official receiver or other person to whom such estate shall be transferred.

Discharge of mortgages.

85. Any person entitled to any mortgage granted by the Board under the authority of this Act may discharge the same and his right and interest therein in favour of the Board by granting a receipt and every such receipt may be written or partly written and partly printed on the mortgage and may be according to the form contained in the Fifth Schedule to this Act or to the like effect and such receipt when signed by the person entitled to such mortgage and duly stamped shall be valid and effectual to all intents and purposes.

86. The Board may temporarily until provision can be made for borrowing money on mortgage or by the issue of debentures annuity certificates or stock borrow any sum or sums which they may for the time being be authorised to borrow from any bank or banking company or other company or person on security of the revenues of the Board and on such terms and conditions and in such form as may be agreed and any moneys so borrowed shall be subsequently repaid out of moneys duly borrowed on mortgage or by the issue of debentures annuity certificates or stock under the powers of this Act.

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Board may borrow temporarily for capital purposes.

87. All moneys borrowed by the Board shall be applied only to the purposes for which they are authorised to be borrowed and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Provided that moneys which have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Board with the approval of the Minister of Health determine.

Application of money borrowed.

88. The Board shall pay off all moneys borrowed by them on mortgage under the powers of this Act 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 one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the moneys are repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months from the date of borrowing.

Mode of payment off of money borrowed.

89.—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act (except money borrowed by the issue of stock) such sinking fund shall be formed and maintained either—

Sinking fund.

- (a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

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(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time fix will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds" be immediately invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Board.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which

the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments. A.D. 1931.
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(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Board in addition to the payments provided for by this Act.

(7) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Minister of Health that any such increase is necessary the Board shall increase the payments to such extent as the Minister of Health may direct.

(8) If the Board desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the loan in respect of which it is formed within the prescribed period the Board may with the consent of the said Minister discontinue the equal annual payments to

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A.D. 1931. — such sinking fund until the said Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Board with the consent of the Minister of Health may determine.

Sinking
fund for
mortgages
and debenture
stocks
of company.

90.—(1) The Board shall make provision for the extinction of such of the mortgages and debenture stocks of the company as shall not be redeemed under the provisions of the section of this Act of which the marginal note is "Power to redeem mortgages and debenture stocks of company" and for the extinction of any stock mortgage or other security of the Board which may be substituted for the same under the provisions of that section by means of a sinking fund so as to purchase and extinguish or to be in a position to purchase and extinguish the said mortgages stocks or security as aforesaid within a period of fifty years from the day of transfer and if at the end of that period the said mortgages stocks or security are not wholly extinguished then the Board shall so long as they are liable to pay interest thereon apply in or towards payment thereof the annual income arising from the sinking fund provided under this section.

(2) The provisions of this Act with reference to sinking funds shall extend and apply with any necessary modifications to the sinking fund to be provided under this section and for the purposes thereof the prescribed period shall be the period of fifty years from the day of transfer.

(3) The Board may at any time apply the whole or any part of the sinking fund to be provided under this section in or towards the repayment or purchase of the said mortgages and debenture stocks of the company or any part thereof or in or towards paying off any stock mortgage or other security substituted therefor. Provided that if such fund be an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(4) (a) At any time before the expiration of the prescribed period the Board may borrow at interest such money as they may require for the repayment or purchase of the said mortgages and debenture stocks of the company or any part thereof. A.D. 1931.
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(b) The provisions of this Act with reference to the borrowing of money and re-borrowing and repayment thereof shall extend and apply to all money borrowed under this subsection and for the purposes of those provisions the prescribed period shall be the period of fifty years from the day of transfer.

91. Notwithstanding anything in any enactment 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 :—

Use of
moneys
forming
part of
sinking and
other funds.

- (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 :

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- (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.

Interest on
and pay-
ment to
sinking
funds and
reserve
funds.

92. Where sums are set apart as a sinking fund for the purpose of paying off principal moneys borrowed by the Board under any statutory borrowing power or appropriated to a reserve fund under this or any other Act relating to the Board the interest received in any year from the investment of the sums so set apart or appropriated shall form part of the revenue or fund out of which the sums were set apart or appropriated
Provided that—

- (1) In the case of an accumulating sinking fund the contributions to such fund out of such revenue or fund shall in that year be increased by a sum equal to the interest which would have accrued thereto if interest calculated at the rate per centum per annum on which the annual payments to the sinking fund are based had been accumulated in the sinking fund :
- (2) In the case of a reserve fund a sum equivalent to the amount so carried to the revenue or fund as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the prescribed maximum.

Scheme for
fixing
equated
periods.

93.—(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 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid.

(2) 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. A.D. 1931.

(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 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.

94.—(1) Notwithstanding anything contained in any Act or Order the Board may if they think fit establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

- (a) all moneys borrowed by the Board whether by the issue of stock or other security together with any moneys borrowed without security in connection with the exercise of statutory borrowing powers ;

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- (b) all moneys of a capital nature received by the Board whether from the sale of capital assets or otherwise except such as are applied by the Board with due authority to another capital purpose;
- (c) the appropriate sums provided in each year out of other funds of the Board to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and
- (d) a sum or sums equal to the aggregate amount of all dividends or interest payable in each year on the stock mortgages or other securities issued in exercise of the statutory borrowing powers of the Board and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except of such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Board as aforesaid before the date on which the consolidated loans fund shall be established.

(2) The moneys of the consolidated loans fund (subject as hereinafter provided) shall be used or applied by the Board—

- (a) in the exercise of any duly authorised borrowing power by transfer of the required amount to the appropriate fund and account of the Board;
- (b) in the redemption of stock or any other securities issued by the Board the purchase of stock for extinction or the repayment of any moneys borrowed by the Board; or
- (c) in the payment of dividends and interest on the stock mortgages or other securities issued in the exercise of the statutory borrowing powers of the Board and remaining outstanding:

Provided that any moneys of the consolidated loans fund pending use or application as aforesaid may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations

arising from the investment thereof shall not except with the consent of the Minister of Health be used or applied otherwise than as provided in this subsection. A.D. 1931.
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(3) The powers conferred by this section shall not be put into operation by the Board except in accordance with a scheme to be approved by the Minister of Health and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

95. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any provisions of this Act or to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof. Protection of lender from inquiry.

96. The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register. Board not to regard trusts.

97.—(1) Any mortgagee of the Board by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than two thousand pounds in the whole. Appointment of a receiver.

(2) The application for the appointment of a receiver shall be made to the High Court.

98.—(1) The Board shall have power—

(a) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or Power to re-borrow.

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(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 this Act 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.

(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.

Power to
constituent
authorities
to lend
money to
Board.

99.—(1) Any constituent authority may with the consent of the Minister of Health lend to the Board any sum or sums on such terms and conditions and in such form as may be agreed between the Board and the constituent authority.

(2) Any constituent authority may from time to time independently of any other borrowing power borrow at interest such sums as may be requisite for the purpose of providing any sum or sums which such constituent authority may with the consent of the Minister of Health lend to the Board under the provisions of this section.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the

interest thereon the constituent authorities may mortgage or charge the general fund and general rate of their respective districts. A.D. 1931. —

(4) A constituent authority may raise all or any moneys which they are authorised to borrow under this section either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in the other and the provisions of the Public Health Act 1875 relating to the borrowing and repayment of money (except subsection (1) of section 234 of that Act) shall apply to all moneys borrowed by a constituent authority under this section.

(5) The section of this Act of which the marginal note is "Return to Minister of Health with respect to repayment of debt" shall apply to a constituent authority borrowing money under the provisions of this section as though the constituent authority and the clerk to the constituent authority had been named therein instead of the Board and the clerk respectively.

100. If any money is payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Board. Receipt in case of persons not sui juris.

101. Where more persons than one are registered as joint holders of any security of the Board any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Board by any other of them. Interest on securities held jointly.

102. 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 authorised security (except securities issued under the Local Loans Act 1875 and 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 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 Evidence of transfer or transmission of securities.

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A.D. 1931. — thereof and in the case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

Return to
Minister of
Health with
respect to
repayment
of debt.

103.—(1) The clerk shall if and when requested by the Minister of Health (in this section referred to as “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.

(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 required by him be verified by statutory declaration of the clerk or other the chief accounting officer 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 that return 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 this Act 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 purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as 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.

Accounts to
be open to
inspection.

104. The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member or officer of a constituent authority duly authorised in writing for that purpose.

105. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Board under this Act and of their committees and officers and to the audit thereof. A.D. 1931.
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Audit.

106.—(1) Before the commencement of every financial year or half-year as they may determine or as soon thereafter as may be practicable the Board shall make or cause to be made an estimate of the probable revenue and expenditure (other than capital expenditure) which will be received and incurred respectively during the year or half-year as the case may be and if such estimate shows that there will be a deficiency in the net revenue of the Board for the year or half-year as the case may be the Board are hereby authorised and required in every case forthwith to apportion the sum required to meet such deficiency whether for satisfying past or future liabilities between the constituent authorities in proportion to the net annual values (as defined in the Rating and Valuation Act 1925) appearing in the valuation lists in force on the preceding first day of April or first day of October (as the case may be) of the premises at that date supplied by the Board with water for domestic use in their respective constituent areas. Apportionment of deficiency in net revenue of Board.

(2) The Board shall issue precepts to the constituent authorities for the amounts apportioned in pursuance of this section and the constituent authorities respectively shall within three months from the receipt of such precepts or by instalments of such amounts and payable within such times as may be specified in the precepts pay to the Board the amount so apportioned to them respectively.

(3) Such amounts respectively shall be paid by the Trowbridge Council and the Melksham Council out of their respective general rate funds and general rates and (subject to the provisions of section 56 of the Local Government Act 1929) by the Melksham Rural Council and the Westbury Council as special expenses within the meaning of section 229 of the Public Health Act 1875 chargeable on the contributory places in their district or districts in which a supply of water is furnished by the Board which fund rate and expenses are hereby charged with the payment of such amounts accordingly and the

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A.D. 1931. constituent authorities respectively are hereby authorised and required to make and levy any rate that may be necessary for providing the amounts payable as aforesaid.

(4) If any constituent authority fails to pay any amount so apportioned or any instalment of such amount as may have been specified in any such precept as the case may be within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of ten per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

(a) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction;

(b) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum to be specified in the precept as in the opinion of the Board will be sufficient to pay the amount in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

(5) Any receiver appointed under this Act upon the application of the mortgagees of the Board shall be entitled to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such

apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned. A.D. 1931.

107. The Board shall apply all money received by them on account of the revenue of the undertaking in manner and in the order following (that is to say) :— Application of revenue.

First In payment of the working and establishment expenses and cost of maintenance of the undertaking (including the payment of any moneys payable by the Board in respect of any water supplied to them);

Secondly In payment of the interest on moneys borrowed by the Board for the purposes of the undertaking and on the stock created by virtue of the section of this Act of which the marginal note is "Creation of stock as consideration for transfer" and on the mortgages and debenture stock of the Company for the time being outstanding;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Board and of the stock mortgages and debenture stock referred to in the last preceding paragraph of this section;

Fourthly In extending improving and constructing (if the Board think fit) any works for the purposes of the undertaking;

Fifthly In providing further working capital (if the Board think fit);

Sixthly In providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof (subject to the provisions of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds") in statutory securities and accumulating the same at compound interest until the fund so formed amounts to a sum equal to one-tenth of the aggregate capital expended for the time being by the Board upon the undertaking which fund shall

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be applicable to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens. Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum;

Lastly The surplus (if any) including the interest on the reserve fund when such fund amounts to the prescribed maximum shall after retention by the Board of such sum as is required for carrying on the undertaking be apportioned among and paid to the constituent authorities in proportion to the respective net annual values (as defined in the Rating and Valuation Act 1925) appearing in the valuation lists in force on the preceding first day of April or first day of October (as the case may be) of the premises at that date supplied by the Board with water for domestic use in their respective constituent areas and the sums paid to the Trowbridge Council and the Melksham Council shall be carried to the credit of their respective general rate funds and general rates and the sums paid to the Melksham Rural Council and the Westbury Council shall be carried to the credit of the funds raised by them for the purposes of special expenses in respect of the contributory places in their district or districts in which a supply of water is furnished by the Board in such proportions as they think just. Provided that if in pursuance of the last preceding section of this Act any precept thereunder has been partly met by a contribution as part of the expenditure of either of the said councils

for general purposes such council may carry such sum as appears to them to be reasonable to the credit of the funds raised by them for general purposes. A.D. 1931.
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108. The Board and each of the constituent authorities may enter into and carry into effect agreements with respect to the collection by such authority 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 district of such authority and any agreement under this section may with respect to the whole or any part of such rates and charges provide for all or any of the following matters (that is to say):— As to collection of rates &c.

- (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.

109. Any expenses incurred by the Board in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for shall be paid out of the revenues of the Board. Expenses of execution of Act.

A.D. 1931.

PART VII.

MISCELLANEOUS.

Subsidiary
powers of
Board.

110. The Board shall for the purposes of their powers and duties under this Act or otherwise with respect to the supply of water within the limits of supply have power—

- (a) to acquire hire erect and furnish such buildings and offices as they may require; and
- (b) to purchase water in bulk.

Power to
apply for
further
powers &c.

111.—(1) The Board shall have power to promote or oppose any Bill in Parliament or any Provisional Order or Special Order.

(2) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any such Bill in Parliament or the promotion of or opposition to any such Provisional Order or Special Order as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses Provided that—

- (a) no expenses in relation to the promotion of any such Bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by an absolute majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in a newspaper circulating in the limits of supply such notice to be in addition to the ordinary notices required for summoning such meeting;
- (b) no further expenses shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and unless in the case of the promotion of a Bill the propriety of such promotion shall have received the approval of the Minister of Health.

112. The Board may pay out of their revenues as expenses incurred by them under this Act— A.D. 1931.

- Subscrip-
tions to asso-
ciations and
payment of
certain
expenses.
- (a) Reasonable subscriptions (whether annually or otherwise) to the funds of any association of water boards or 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 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 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; and
- (c) Reasonable expenses incurred by members of the Board in attending meetings of the Board and committees of the Board.

113. The Board shall be deemed to be a local authority within the meaning of the Local Government and other Officers' Superannuation Act 1922. Superannu-
ation of
officers and
servants.

114. Any notice to be served by the Board on a person supplied with water shall be sufficiently authenticated by the signature of the clerk or other officer of the Board for the time being authorised in writing by the Board being affixed thereto in writing or by a stamp or if it be a notice to pay any charge in respect of a supply of water by the name either of the clerk or such other officer as aforesaid being affixed thereto in print or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known or usual place of abode Authentica-
tion and
service of
notices.

A.D. 1931. — or business or by delivering the same to some inmate at his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after proper inquiry unknown it shall in the case of any notice not being a notice to pay any charge be sufficient to affix such notice or a copy thereof upon some conspicuous part of such premises.

Extension
of sections
176 and 303
of Public
Health Act
1875 to
Board.

115.—(1) Sections 176 and 303 of the Public Health Act 1875 shall extend and apply to and the powers thereof may be exercised by the Board as if they were a local authority within the meaning of those sections and as if the purposes of this Act were purposes of the Public Health Act 1875 and on the petition or application of the Board the Minister of Health may make such orders as he is by those sections empowered to make on the petition or application of a local authority.

(2) The provisions of this section shall be in addition to and not in derogation of any other powers conferred by this Act.

Incorporation of sections 193 259 and 265 of Public Health Act 1875.

116. Section 193 of the Public Health Act 1875 as amended by section 2 of the Public Health (Members and Officers) Act 1885 and sections 259 and 265 of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members clerk and officers of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Act were purposes of the Public Health Act 1875.

Judges not disqualified.

117. A judge of a court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Evidence of appointments authority &c.

118. 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 in the limits of supply 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 pur- A.D. 1931.
 porting to be authenticated by the signature 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.

119. Where any damages expenses or charges are Damages
 directed or authorised to be paid or recovered in addition and charges
 to any penalty for any offence in this Act mentioned the to be settled
 amount of such damages expenses or charges in case of by court.
 dispute respecting the same may be settled and deter-
 mined by the court before whom any offender is convicted.

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

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

122. Save as herein expressly provided all informa- Informa-
 tions and complaints under or for the breach of any tions by
 of the provisions of this Act or of any byelaw made whom to be
 thereunder may be laid and made by any officer of the laid.
 Board duly authorised in that behalf or by the clerk or by
 any police officer acting for or within the limits of supply.

123. Save as otherwise by this Act expressly Recovery of
 provided all offences against this Act and all penalties penalties
 forfeitures costs and expenses imposed or recoverable &c.
 under this Act or any byelaw made in pursuance thereof
 may be prosecuted and recovered in a summary manner
 Provided that costs or expenses except such as are
 recoverable along with a penalty shall not be recovered as
 penalties but may be recovered summarily as civil debts.

124. All penalties recovered under this Act or Penalties to
 under any byelaw thereunder shall except in the case of be paid over
 penalties recovered against the Board be paid to the to treasurer.

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A.D. 1931. — treasurer and be carried by him to the credit of the revenues of the Board.

Saving for
indictments
&c.

125. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Confirma-
tion of bye-
laws.

126. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Board under the powers of this Act.

Inquiries by
Minister of
Health.

127.—(1) The Minister of Health 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 have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Board shall pay to the Minister of Health 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.

For protec-
tion of
Wilts
County
Council.

128. The following provisions for the protection of the county council of the administrative county of Wilts (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the Board and the county council apply and have effect with respect to the exercise of any powers of the Board in or affecting any county road or county bridge or the approaches thereto in the limits of supply vested in the county council (that is to say) :—

(1) Section 30 of the Waterworks Clauses Act 1847 as incorporated with this Act shall in relation

to any such road bridge or approach have effect as if the word "fourteen" were substituted for the word "three" in that section : A.D. 1931.
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- (2) All new mains pipes and works (not being replacements of existing mains pipes and works) to be laid in or along any such road or in or upon or across any such bridge or approach shall be laid in such position in or at the side thereof and at such depth as the county council in writing under the hand of their surveyor may reasonably direct and it shall not be lawful for the Board except with the permission in writing in each case of the county council to interfere with the structure of any bridge belonging to or under the control of the county council :
- (3) If the county council desire to alter the level of deviate or improve any such road or the approaches to any such bridge in or along which any mains pipes or works of the Board shall have been laid the Board shall with all reasonable dispatch on receiving notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of any such mains pipes or works in the manner and to the extent prescribed by such notice or as in case of difference shall be determined in the manner hereinafter prescribed and the county council shall repay to the Board the expense reasonably incurred by the Board in effecting any such alteration of the position of any such mains pipes or works :
- (4) Nothing in this Act shall in any way limit or affect the powers of the county council at any time to remove alter rebuild widen or repair any such bridge or the roadway over the same in over or near or attached to which any mains pipes or works of the Board are carried in the same manner as the county council might have removed altered rebuilt widened or repaired such bridge or the roadway over the same if this Act had not been passed and the said mains pipes or works had not been laid in over or near or attached to such bridge and the county council shall not make any compensation to the Board for any expense or loss to which

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—

the Board may be put by reason or in consequence of any such removal alteration rebuilding widening or reparation and in the event of any such bridge or the roadway over the same in over or near or attached to which any such mains pipes or works are laid being removed altered rebuilt widened or repaired as aforesaid the Board shall at their own cost in all things alter the position of any works by which such mains or pipes are carried in over or near or attached to such bridge or the roadway over the same Provided that during the removal alteration rebuilding widening or reparation of such bridge or the roadway over the same as aforesaid the county council shall afford all reasonable facilities to enable the Board temporarily to carry such mains and pipes across any stream or brook so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such mains or pipes :

- (5) All works shall be so executed by the Board as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road or over any such bridge or approach and no greater consecutive length than one hundred yards of any such road bridge or approach shall be broken up at any one time :
- (6) If any difference shall arise under this section the same shall be determined by an arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of
Great Western
Railway
Company.

129. For the protection of the Great Western Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Board and the company apply and have effect (that is to say) :—

- (1) The Board shall not exercise the powers of the section of this Act of which the marginal note is

“Further powers in relation to water mains” A.D. 1931
under any lands or property belonging to the
company and used for the purposes of their
undertaking without the consent of the company
but such consent shall not be unreasonably
withheld :

- (2) The Board shall not without the previous consent of the company exercise the powers conferred on them by the sections of this Act of which the marginal notes are :—

“Power to lay pipes in streets not dedicated to public use” ;

“Telephonic wires and apparatus in streets” ; or

“Meters in streets to measure water or detect waste” ;

in respect of any street road or footpath which is the property of the company but such consent shall not be unreasonably withheld :

- (3) Any question which may arise between the Board and the company hereunder shall be referred to and determined by a single arbitrator to be appointed (failing agreement) on the application of the Board or the company after notice in writing to the other by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

130. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be taxed by the taxing officer of the House of Lords or of the House of Commons and such costs charges and expenses shall in the first instance be paid by the constituent authorities in proportion to the net annual values appearing in the valuation lists of their respective constituent areas but in each case the amount so paid shall be repaid to the constituent authorities by the Board out of the moneys to be borrowed by them under the powers of this Act. Costs of Act.

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The SCHEDULES referred to in the
foregoing Act.

FIRST SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF THE TROWBRIDGE
MELKSHAM AND DISTRICT WATER BOARD.

PART I.—PROVISIONS AS TO APPOINTMENT AND QUALIFICATION
OF MEMBERS TENURE OF OFFICE CASUAL VACANCIES &c.

(1) The first appointment of members of the Board by each constituent authority shall be made at a meeting of the constituent authority to be held within six weeks after the passing of this Act or within such further time as the Minister of Health shall allow on the application of any of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office for such period not being less than one year as the constituent authority by whom they are appointed shall determine but not beyond the thirtieth day of April one thousand nine hundred and thirty-three.

(2) Each constituent authority shall at a meeting to be held within one month after the thirty-first day of March in every year or at a special meeting to be held with special notice of the object of such meeting appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by this Act authorised to appoint to hold office for such period not being less than a year nor more than three years as they may determine.

(3) If any constituent authority fail to appoint first members of the Board or to fill any vacancy as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if any constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such authority and qualified to be members or a member of the Board shall continue in office till their or his successors or successor are or is appointed.

(4) A person shall not be qualified to be a member of the Board unless he is a member of the constituent authority by whom he is appointed but nothing in this provision shall apply to the chairman if he is a co-opted member.

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(5) A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall choose under which appointment he shall serve and the other appointment shall be deemed void. A.D. 1931.
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(6) If a member of the Board ceases to be a member of the constituent authority by whom he has been appointed or becomes disqualified he shall cease to be a member of the Board except in the case where he only ceases to be a member of such authority by rotation and is forthwith re-elected a member of such authority.

(7) A person shall be disqualified for being appointed or being a member of the Board if he—

- (a) holds any paid office under the Board save as permitted by this Act; or
- (b) is concerned in any bargain or contract entered into with the Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board :

Provided that a person shall not be disqualified for being appointed or being a member of the Board by reason of being interested—

- (a) in the sale or lease of any lands or in any loan of money to the Board or in any contract with the Board for the supply from land of which he is the owner or occupier of water or materials for work done by or under the authority of the Board; or
- (b) in the supply of water by the Board to him as a consumer or the hire or purchase from the Board by him as a consumer of water of the Board of meters fittings or apparatus; or
- (c) in any newspaper in which any advertisement relating to the affairs of the Board is inserted; or
- (d) in any bargain or contract with the Board as a shareholder in any company ;

but he shall not vote at any meeting of the Board on any question in which he is so interested.

(8) Whenever an appointment of a member of the Board has been made the clerk of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the clerk to the Trowbridge Council and on every subsequent appointment to the clerk and every such certificate shall be conclusive evidence of such appointment.

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(9) Any member of the Board may at any time resign his office as such member by writing addressed to the clerk.

(10) Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed.

(11) If any member is absent from meetings of the Board for more than six months consecutively except for some reason approved by the Board he shall on the expiration of that period vacate his office.

(12) Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the Board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he is appointed in such manner as the Board think fit.

(13) If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Board in his place who shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

(14) Subject to the provisions of this Act the chairman and vice-chairman first appointed by the Board shall continue in office until the day of the annual meeting of the Board in the year one thousand nine hundred and thirty-three and the term of office of any chairman or vice-chairman subsequently appointed shall be one year.

(15) A chairman or vice-chairman may if otherwise qualified be reappointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(16) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification absence or otherwise another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would regularly have gone out of office.

PART II.—PROVISIONS AS TO MEETINGS AND PROCEDURE.

(1) The Board shall hold their first meeting at such place and on such day and at such time as may be agreed between the constituent authorities or as failing such agreement shall be appointed for the purpose by the Minister of Health and subsequent meetings of the Board (including their annual meetings) shall be held at such places on such days and at such

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times as the Board may from time to time appoint provided that the Board shall hold their annual meeting in the month of May in every year. A.D. 1931.
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(2) The chairman or any three or more members of the Board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly.

(3) The meetings of the Board shall be convened by the clerk of the Trowbridge Council until the Board have appointed a clerk and afterwards by the clerk and every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence two clear days at least before the day of the meeting.

(4) To constitute a meeting of the Board there must be present not less than five of the members of the Board.

(5) At their first meeting and subsequently at their annual meeting in the year one thousand nine hundred and thirty-three and in each succeeding year the Board shall appoint a chairman and a vice-chairman for the ensuing year.

(6) (a) At every meeting the chairman of the Board shall preside but if he is not present at the time appointed for the meeting the vice-chairman if present shall preside and if neither the chairman nor the vice-chairman are present the members then present shall choose one of their number to preside at that meeting.

(b) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote Provided that if at any meeting neither the chairman nor the vice-chairman be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

(7) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and copies or prints of such minutes shall after each meeting be forwarded by the clerk to the clerk to each constituent authority and the minutes shall be signed by the chairman or other member presiding at the next ensuing meeting.

(8) (a) A minute of the proceedings of the Board or of a committee of the Board signed at the same or the next ensuing meeting by a member of the Board describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

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(b) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

PART III.—GENERAL.

(1) Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and of the proceedings and business of committees of the Board and may vary or revoke the same.

(2) The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of raising money or of issuing any precept for contributions) to any committee of the Board so appointed. The provisions of section 82 of the Local Government Act 1888 with respect to proceedings of committees of county councils shall apply to committees of the Board as if they were committees of a county council.

(3) The Board may appoint and may remunerate a clerk deputy-clerk manager engineer treasurer accountant and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall (subject to the terms of their appointment) be removable by the Board at their pleasure. No member of the Board or of either of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority. All acts and things required or authorised to be done by the clerk may (subject to any restrictions imposed by the Board) be done by the deputy-clerk and a deputy-clerk may act notwithstanding a vacancy in the office of clerk.

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

SECOND SCHEDULE.

A.D. 1931.

PROVISIONS OF THE TROWBRIDGE WATER ACT 1873
 THE TROWBRIDGE WATER ACT 1878 AND THE TROW-
 BRIDGE WATER ORDER 1926 SAVED FROM REPEAL.

TROWBRIDGE WATER ACT 1873.

40. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the reservoirs, tanks, conduits, or lines of pipe and other works shown on the deposited plans and sections, together with all proper approaches, embankments, filter-beds, pumping stations, engines, works, and conveniences connected therewith respectively, and may collect and divert into the said waterworks, and thence distribute and supply, the waters of the Biss springs, and all brooks and streams shown on the deposited plans, and which may be intercepted by the works by this Act authorised at and above (but not below) the reservoir marked G on those plans, and all other springs which may be intercepted by those works at and above (but not below) that reservoir; and may also collect and divert into the said waterworks, and appropriate for the purposes referred to in sections 59 to 62 of this Act, and for the purpose of supplying water to lands and buildings belonging or reputed to belong to his Grace the Duke of Somerset, adjoining the Semington Brook or in the neighbourhood thereof, as hereinafter provided, and to the extent and in manner required for carrying out such purposes, but not further or otherwise, without the previous consent in writing of James Hargreaves or other the owner or owners for the time being of Staverton Factory, the water of the Semington Brook and Paxcroft Brook, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for any of the purposes which the Company are by this Act authorised to execute: Provided that the Company shall not, without the previous consent in writing of the owner or owners for the time being of the Staverton Factory, take or divert from the Semington Brook a greater quantity of water in any one day than one million gallons.

Power to
make water-
works.

41. The works by this Act authorised comprise the following ; Description
 (to wit,) of works.

A. B. C. D. E. Five collecting tanks, with pipes and other
 apparatus, in Upton Scudamore parish in Wiltshire :

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- ƒ. A conduit or line of pipes commencing at or in the Tank (A) first hereinbefore mentioned, and terminating at or in the southern end of the reservoir (G) next hereinafter described :
 - g. A reservoir, with embankments, filtering beds, and other works connected therewith, on the Biss Brook in Westbury parish in Wiltshire, and in the fields numbered respectively 837, 902, and 905 on the tithe commutation map for that parish, or some or one of them :
 - h. A conduit or line of pipes commencing in Westbury parish aforesaid, at the northern end of the before-mentioned reservoir (G), and terminating in Trowbridge parish at a point in the high road from Frome to Trowbridge, near the barracks :
 - k. A dam and other works connected therewith across the Semington Brook, and which dam and works will be partly in Melksham parish and partly in the chapelry of Semington, in the parish of Steeple Ashton in Wiltshire, and will abut upon and be partly situate in the field numbered 52 on the tithe commutation map for the parish of Melksham in Wiltshire, and partly upon and in the field numbered 199 on the tithe commutation map for the said chapelry of Semington :
 - l. A weir and other works connected therewith across the Semington Brook, which weir and works will be wholly in the parish of Melksham in Wiltshire, and will abut upon and be situate in the fields numbered 52 and 53 on the tithe commutation map for that parish :
 - m. The embanking and widening of the Semington Brook from the dam (k) and from the weir (L) up to a point on that part of the said brook which abuts on the field in the said parish of Melksham numbered 53 on the tithe commutation map for that parish, and the field in the said chapelry of Semington numbered 201 on the tithe commutation map for that chapelry :
 - n. The deepening and widening of the Semington Brook from the dam (k) and weir (L) down to a point on that part of the said brook which abuts on the fields in the said chapelry of Semington, and numbered respectively 74A and 75 on the tithe commutation map for the said chapelry :
 - o. A pumping station, with water wheel, turbine, or other apparatus, with pumps and other suitable works and conveniences, in the chapelry of Semington in the parish of Steeple Ashton in Wiltshire, in and upon the field numbered 199 on the tithe commutation map for the said chapelry :

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- P. A conduit or line of pipes commencing at the hereinbefore mentioned pumping station (o) and terminating at or in the northern end of the reservoir (q) hereinafter described : A.D. 1931.

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- R. A weir or dam with all necessary works connected therewith across the Paxcroft Brook, in the said parishes of Trowbridge and Steeple Ashton, and which weir or dam will abut upon and be partly situate in a field numbered 335 on the tithe commutation map for the said parish of Trowbridge, and partly upon and in fields (formerly in two closes) respectively numbered 6 and 7 on the tithe commutation map for the said parish of Steeple Ashton :

- S. A conduit or line of pipes commencing at the south-western side or end of the lastly hereinbefore described weir or dam (R) and terminating in the parish of Steeple Ashton aforesaid at a point in the River Biss in or near a portion of a field numbered 1 on the tithe commutation map for the parish of Steeple Ashton :

* * * * *

All necessary approaches, embankments, filtering beds, dams, sluices, cuts, channels, pipes, wells, tanks, engines, and other works and conveniences in connexion with the before-mentioned waterworks, and for collecting, cleansing, and storing up the waters of the said rivers, springs, brooks, streams, and other waters.

42. The Company shall, before they begin to take water from the Semington Brook, construct, and for ever thereafter maintain, a suitable meter for measuring the quantity of water taken by them from the Semington Brook, and the said meter shall be at all times open to the inspection and examination of the before-mentioned James Hargreaves, or other the owner or owners for the time being of the Staverton Factory, or his or their agent or agents; and the Company shall not take any water from the Semington Brook other than such as shall pass through the said meter, and so long as any water is taken by them from the Semington Brook, the Company shall make a written return to the before-mentioned James Hargreaves, or other the owner or owners for the time being of the Staverton Factory, within seven days after each first day of January, first day of April, first day of July, and first day of October, of the total quantity of water taken by the Company from the Semington Brook during the three months then next preceding.

Meter for measuring quantity of water taken from the Semington Brook.

43. In case of any neglect on the part of the Company to maintain such meter in a state of efficiency, or if on any one day the Company take more than one million gallons of water from

Penalty for neglect to maintain meter.

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A.D. 1931. — the Semington Brook, the Company in either of these events shall for every day on which such neglect or such taking or diversion shall occur pay to the said James Hargreaves, or other the owner or owners for the time being of Staverton Factory, the sum of twenty pounds and shall in addition make compensation for any loss, damage, or injury sustained by the occupier or occupiers for the time being of the said factory, and the said James Hargreaves, and such owner or owners, occupier or occupiers respectively, may from time to time recover such compensations respectively, with costs, from the Company by proceedings in any court of competent jurisdiction; and in case the Company shall at any time make default in the payment of the sums of money hereinafter provided to be paid to the said James Hargreaves, or other the owner or owners for the time being of the Staverton Factory, or any part of such sums of money, for the space of three months after demand in writing for the same shall have been delivered by him or them to the Company, then and in such case the powers of the Company to take water from the Semington Brook shall thenceforth absolutely cease and determine.

Payment to
be made in
respect of
water taken
from the
Semington
Brook.

44. The Company shall, on the first of the before-mentioned quarter days which shall happen after they take any water from the Semington Brook, and thenceforward on the same day in every year so long as they continue to take any water from that brook, pay to the before-mentioned James Hargreaves his heirs, or assigns, owner or owners for the time being of the Staverton Factory, the annual sums of money following; that is to say,

If the average quantity of water taken in the preceding year do not exceed one hundred thousand gallons per diem for each working day of six to the week £20

If such average exceed one hundred thousand gallons and do not exceed two hundred thousand gallons £40

And an additional sum of twenty pounds for every additional one hundred thousand gallons or part thereof taken on the average per diem :

Provided that in calculating such average the quantity of water taken on the several Sundays shall be included and distributed equally among the said working days.

Company to
leave water-
ing place for
Upton
Scudamore.

45. The Company shall, in lieu of the dipping tank (1) shown on the deposited plans and sections, leave unenclosed the margin of the brook at the present public watering place at Biss Bottom in the aforesaid parish of Upton Scudamore, and shall always keep the brook at the said watering place sufficiently supplied with water for the gratuitous use and accommodation of the inhabitants of the parish of Upton Scudamore.

47. For the protection of the Great Western Railway Company (in this section called the Great Western Company), the several provisions following shall have full effect :

A.D. 1931.

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Provision for
Great West-
ern Railway
Company.

- A. The pipe or aqueduct shown on the deposited plans and sections, and thereon marked with the letter H, shall be made and maintained under the Great Western Company's Salisbury Branch Railway, on the roadway under the arch shown on the deposited plans and sections, at such a depth and in such a manner as not to injuriously interfere with the said archway or bridge or the foundations thereof, and, if necessary, the Company shall underpin or otherwise strengthen the said archway or bridge, and failing their doing so within twenty-four hours after receiving notice in writing under the hand of the secretary of the Great Western Company requiring them so to do, then the Great Western Company, their officers and servants, may (if necessary) underpin and strengthen the same at the expense of the Company :
- B. The said pipe or aqueduct marked H shall be carried under the Wilts, Somerset, and Weymouth Railway of the Great Western Company at the level crossing on that railway shown on the deposited plans and sections by means of a culvert of sufficient dimensions to admit of the said pipe or aqueduct being relaid or repaired without any interference with the railway, and the top of the culvert shall in no case be nearer to the bottom of the rails of the said railway than two feet :
- C. The lowering of the bed and the altering of the sides of the Semington Brook where it passes under the aqueduct or viaduct carrying the Kennet and Avon Canal over the said brook shall not be to a greater extent than that shown on the deposited sections, and there shall be no deviation from the said plans and sections at the point where the brook passes under the said aqueduct or viaduct, and if the Great Western Railway Company think fit they may construct the works necessary for the lowering of the bed and the altering of the sides of the said brook at the point aforesaid, and all costs, charges, and expenses which they may incur in so doing shall be paid to them by the Company :
- D. Those works respectively shall be made and maintained of such dimensions, in such lines, on such levels, and in such manner as not in any degree to obstruct or prejudice any part of the Great Western Company's railways, canal, works, or conveniences :
- E. In order thereto the Company shall submit to the Great Western Company's principal engineer a proper and sufficient description, plan, section, and specification

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of such parts of each of those works respectively as are to be made within thirty-five feet of the Great Western Company's railways, canal, works, or lands for his consideration and reasonable approval thereof, and if in any case he does not within one month after the delivery thereof to him approve the same, with such modification, if any, thereof as he reasonably requires, and signs the same in testimony of his approval thereof, and deliver the same so signed to the engineer of the Company, or if the Company object to any modification thereof required by him, then they may submit the same to a competent and impartial civil engineer, appointed on the application of the two companies or either of them by the Board of Trade, for his consideration and reasonable approval thereof, his approval to be in like manner testified by his signature, and the Company shall not begin the execution of any of the works so shown on the respective plan unless and until the same with the sections and specifications thereof are so approved :

F. Those works respectively, so far as they directly or indirectly affect any part of the Great Western Company's railways, canal, works, and conveniences, shall be made and maintained by and at the expense of the Company (except as hereinafter mentioned) in accordance with the plans, sections, and specifications so approved, and under the superintendence and to the satisfaction of the Great Western Company's principal engineer, who from time to time may, at the expense of the Company, appoint and employ such inspectors and watchmen to superintend the execution of the works and to secure the safety of the Great Western Company's railway and canal, and the non-interruption of the traffic on the said railway and canal, as he thinks proper :

G. In case the Company shall neglect to execute any of the said works in an approved manner, the Great Western Company, if and when they think fit, may execute for and at the expense of the Company, all or any of those works which are to be made and maintained in, upon, or within thirty-five feet from any part of their railways, canal, works, conveniences, and lands :

H. The Company shall not, without the consent of the Great Western Company testified by writing signed by their secretary, acquire any part of their land or property, but if and when any part of the Company's works is to be executed in or upon any land of the Great Western Company, the Company may acquire an easement or

right of making and maintaining the works in that land in such a manner as not to prejudice any part of the Great Western Company's railways, canal, works, and conveniences : A.D. 1931.
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I. All questions and differences which may at any time arise between the Company and the Great Western Company as to the construction or effect of this section, or the performance, observance, non-performance, or non-observance of any of the provisions thereof, or any matters connected therewith or consequent thereon, shall be determined by an arbitrator to be appointed by the Company and the Great Western Company, or (if for fourteen days after the question or difference arises those two companies do not agree upon an arbitrator) by the Board of Trade, upon the application in writing of both or either of those companies, and the decisions of every such arbitrator, by whomsoever appointed, shall be binding and conclusive upon both the parties in difference, and the costs of the arbitration shall be in his discretion :

K. The Company shall make full compensation to the Great Western Company for all loss, damages, costs, and expenses sustained or incurred by them by or in consequence of the bursting of any water pipe or aqueduct, or by or in consequence of the construction, or in the construction or repair of or want of repair or the failure of any of the works by this Act authorised, or otherwise.

48. Except only as is by this Act expressly provided, this Act, or anything herein contained, shall not take away, lessen, or prejudicially affect any of the estate, works, rights, interests, powers, and privileges of the Great Western Railway Company. Saving rights of Great Western Railway Company.

62. In case the Company shall at any time fail or neglect to discharge or cause to flow such compensation water as aforesaid, for the supply of the River Biss and the mills and other properties situate thereon or adjoining thereto, without the previous consent in writing of all the owners, lessees, and occupiers of such mills and works, such owners, lessees, and occupiers, or any one or more of them, may from time to time apply to the justices of the county sitting in petty sessions for an order, and which order the said justices are hereby directed and empowered to grant, to enter upon the compensation works by this Act authorised, and make and maintain all such works and do all such things as, subject to the limitations and provisions contained in this Act with respect to Semington Brook, may be proper and sufficient for the purpose of discharging or causing to flow into the river Biss, at the aforesaid point of discharge from the said Semington Brook, the quantity of water hereinbefore prescribed, and the Provision in case of failure or neglect.

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A.D. 1931. — amount of all the expenses from time to time incurred in that behalf by such owners, lessees, or occupiers shall be paid to them on demand by the Company, and may be recovered in any court of competent jurisdiction: Provided that before commencing to make any such works or do any such things, such owners or reputed owners, some or one of them, shall give to the secretary of the Company or leave at the office of the Company in Trowbridge three days' notice in writing of their or his intention so to do; and provided also, that the right to apply for and obtain such order of justices shall not be deemed or be taken to deprive the said owners, lessees, or occupiers of such mills and works of any right to bring any suit either at law or equity against the said Company for failure to discharge and cause to flow such compensation water in manner aforesaid, if such owners, lessees, and occupiers, or any of them, are advised so to do.

Saving rights
of the Duke
of Somerset.

63. For the protection of his Grace the Duke of Somerset (in this section called the Duke) his heirs, successors, and assigns, and his and their tenants, the several provisions following shall have full effect:—

- A. Nothing in this Act contained shall be held to authorise the Company to enter upon, take, or use any land of the Duke, his heirs, successors, or assigns, without his or their consent in writing first had and obtained, except nevertheless that the Company may for the purpose of their undertaking, and subject to the provisions of this Act, acquire any easement in, over, or upon such of the said lands as are delineated on the deposited plans and described in the deposited books of reference:
- B. Except with the consent in writing of the Duke, his heirs, successors, or assigns, or his or their agent thereunto lawfully authorised, the Company shall not make or maintain any bank, reservoir, weir, dam, or work of any kind whatsoever, whereby the existing water level of the Semington Brook shall be raised:
- C. The meter by this Act required for measuring the water taken from Semington Brook shall not be constructed on any land belonging to the Duke, his heirs, successors, or assigns, without his or their consent in writing first had and obtained:
- D. Except only as is by this Act expressly provided, this Act, or anything herein contained, shall not take away, lessen, or prejudicially affect any of the estate, rights, interests, powers, and privileges of the Duke, his heirs, successors, or assigns, or his or their tenants:
- E. The Company shall at any time if required by the Duke, his heirs, successors, or assigns, supply water free of

charge to his or their tenants in the parish of Melksham and chapelry of Semington at works, houses, farm-houses, buildings, and fields contiguous to the works of the Company, and so far as the works of the Company will allow, and for the purpose of such water supply, shall provide at their own expense all necessary meters, troughs, pipes, and other works, and shall provide also drains for carrying off the waste water: Provided that such supply shall be taken into account in assessing the amount of compensation to be paid as aforesaid to the Duke, his heirs, successors, or assigns, or his or their tenants:

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- F. The Company shall at all times in their collecting and diverting and user of the water in the Semington Brook leave sufficient water for the necessities of the Duke's property, whether above or below the Company's works, and for the use of all or any of his tenants who may require to take or use the water from the said brook, so far as such property and tenants shall not be supplied with water by the Company under the other provisions of this Act: Provided, nevertheless, that nothing in this Act contained shall confer upon the Duke or his tenants any right to take or use the water of the said brook, except in the manner, and for such purposes, and to such an extent as they are now entitled to do:
- G. In the event of the Company at any time discontinuing the carrying on or use of the works authorised by this Act, the Company shall at their own expense, and to the satisfaction of the Duke, his heirs, successors, or assigns, or his or their agent thereunto lawfully authorised, do all such acts as may be required to put the lands of the Duke, his heirs, successors, or assigns, into such state and condition as they would have been in if the powers conferred upon the Company by this Act had never been exercised in relation to such lands.

TROWBRIDGE WATER ACT 1878.

9. For the protection of the said Walter Hume Long, his heirs and assigns, and his and their tenants, the several provisions following shall have full effect:

Saving rights
of Walter
Hume Long.

- A. Nothing in this Act or in any previous Act contained shall be held to authorise the Company to enter upon, take, or use any land of the said Walter Hume Long, his heirs or assigns, without his or their consent in writing first had and obtained:

* * * * *

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- B. Except with the consent in writing of the said Walter Hume Long, his heirs or assigns, or his or their agent thereunto lawfully authorised, the Company shall not, at any point below the reservoir marked Q, make or maintain any bank, reservoir, weir, dam, or work of any kind whatsoever (other than the dam R already constructed under the powers of the Act of 1873) whereby the existing water level of the Paxcroft brook shall be raised :
- C. Except only as is by this Act, the Act of 1873, or the Acts incorporated therewith expressly provided, this Act or anything herein contained shall not take away, lessen, or prejudicially affect any of the estate, rights, interest, powers, and privileges of the said Walter Hume Long, his heirs or assigns, or his or their tenants :
- D. In the event of the Company at any time discontinuing the carrying on or use of the works authorised by this Act, the Company shall, at their own expense and to the satisfaction of the said Walter Hume Long, his heirs or assigns, or his or their agent thereunto lawfully authorised, do all such acts as may be required to put the lands of the said Walter Hume Long, his heirs or assigns, into such state and condition as they would have been in if the powers conferred upon the said Company by this Act had never been exercised in relation to such lands :
- E. Nothing in this Act or in any previous Act contained shall prejudice the right of the said Walter Hume Long, his heirs or assigns, to construct, alter, and repair any such drains as he or they may from time to time think proper in or under any of his or their lands through which any pipes of the Company may run, and he and they shall be at liberty temporarily to displace or interfere with such pipes, or any of them, so far as may be needful for the carrying on of any such draining works, he and they doing as little damage and occupying as little time as possible, and restoring any pipes which may have been displaced or interfered with and providing such temporary works as will ensure the flow of water through the pipes of the Company.

Power to
purchase
Staverton
Factory or
agree to
extinguish
rights relat-
ing thereto.

10. The Company, in addition to the lands which they are hereinbefore authorised to purchase and acquire, may purchase and acquire by agreement and upon the execution by the vendor or vendors of a deed of conveyance in which the purchase or consideration money shall be fully and truly stated and set forth, and which deed shall be duly stamped with the full and proper ad valorem stamp duty in respect of the consideration for the said purchase, the mill and premises known as the Staverton

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Factory and the lands held, used or occupied therewith (hereinafter collectively referred to as "the Staverton Factory"), or the Company may agree with the owner or owners for the time being of the Staverton Factory for the purchase by the Company and the extinguishment of such of the rights conferred by the Act of 1873 upon such owner or owners as after the passing of this Act such owner or owners may be entitled to.

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11. If and when the Company purchase and acquire the Staverton Factory, or agree with the owner or owners thereof for the time being for such purchase and extinguishment as aforesaid, sections 42, 43 and 44 of the Act of 1873, and so much of section 40 of that Act as renders necessary the consent of the owner or owners for the time being of the said factory to the exercise by the Company of any of the powers of taking water or other powers conferred upon them by that Act, or limits or restricts the purposes for which, or the extent to which, or the manner in which the Company may exercise any of those powers in the absence of such consent, are hereby repealed.

After purchase of Staverton Factory, &c. certain restrictions in Act of 1873 repealed.

14. From and after the passing of this Act the Company shall pay to James Hargreaves, his heirs or assigns, owner or owners for the time being of the Staverton Factory, the sum of thirty-five pounds per annum in lieu of every sum of twenty pounds per annum which by the 44th section of the Act of 1873 is made payable to him or them, and thenceforth that section shall be read and have effect as if the sum of thirty-five pounds had been named therein instead of the sum of twenty pounds wherever such last-mentioned sum is mentioned in the said section, and as if the sum of seventy pounds had been mentioned therein instead of the sum of forty pounds.

Increased annual payment accruing to owners of Staverton Factory.

15. Provided always, that nothing in this Act shall affect or prejudice the rights, powers, or privileges of any persons other than the owner or owners aforesaid under the Act of 1873, or vary or affect any of the provisions of sections 59 to 63 (both numbers inclusive) of that Act, except in so far as the same relate or refer or are made subject to a limitation of the quantity of water to be taken without the consent of such owner or owners from the Semington brook.

Saving rights under Act of 1873.

16. Nothing in this Act shall prejudice or affect the rights, powers or interests of His Grace Edward Adolphus Duke of Somerset, or his successors in estate, under the provisions of the Act of 1873 or under a certain agreement dated the 20th day of June 1873, between Samuel Peed and others of the one part and the said Duke of the other part, which agreement the Company admit to be and to have been always binding upon them, and which is hereby confirmed as from the day of the date thereof, or under a certain deed of conveyance from the said Duke to the Company, dated the 22nd day of January, 1877.

Saving rights of His Grace the Duke of Somerset.

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and District Water Board Act, 1931.

A.D. 1931.

—
Not to affect
any claim of
Earl
Manvers.

18. Nothing in this Act shall limit, prejudice or affect any claim which the Right Honourable Sydney William Herbert Earl Manvers, his heirs, successors in estate, or assigns, his or their lessees or tenants, may hereafter have or but for this Act would have against the Company by reason of the injuriously affecting of his or their lands by the execution of the works by this Act authorised.

Saving rights
of Earl
Manvers.

20. Nothing in this Act contained shall authorise the Company to enter upon, take, or use any lands of the Right Honourable Sydney William Herbert Earl Manvers, his heirs, successors in estate, or assigns, without his or their consent in writing, except that the Company may, for the purpose of the conduit or line of pipes (No. 1) by this Act authorised, acquire an easement in or over such of the said lands as are delineated on the deposited plans and described in the deposited books of reference; and except as aforesaid nothing in this Act shall take away, lessen, or prejudicially affect any of the estates, rights, interests, powers, and privileges of the said Earl, his heirs, successors in estate, or assigns, or his or their tenants, or alter, vary, or prejudicially affect, or in any way interfere with or release the Company from their obligations under an agreement made the 15th day of March, 1873 between the directors of the Trowbridge and District New Water Company Limited, on behalf of the Company and the said Earl.

Works
affecting
Great
Western
Railway to
be con-
structed to
satisfaction
of their
engineer.

41. Whenever the Company, in the exercise of the powers conferred by this Act, shall require to lay down, alter, or replace any mains or pipes upon, across, or under or to construct any works affecting any railway belonging to or worked by the Great Western Railway Company, or upon any lands belonging to or used or occupied by that Company, such mains or pipes shall be laid and such works constructed to the reasonable satisfaction of the engineer of that Company and according to plans previously agreed between such engineer and the engineer of the Company, or, in the event of their not agreeing, in such manner as shall be determined by an engineer to be appointed by the Board of Trade on the application of either Company, and the decision of such engineer shall be final and conclusive between both companies, and the costs of the reference to him shall be in his discretion; and the Company shall pay to the Great Western Railway Company for any easement to be acquired by them upon, across, over, or under any of the railways, lands, works, or property of the Great Western Railway Company such sum, either annual or otherwise, as may be agreed upon, or, failing agreement, as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement, and for the purpose of such arbitration the easement so to be taken shall be deemed to be lands.

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and District Water Board Act, 1931.

42. Before opening or breaking up for any of the purposes of this Act any public road or street crossing on the level any railway belonging to or worked by the Great Western Railway Company, the Company shall give not less than fourteen clear days' notice of their intention so to do under the hand of their clerk to the secretary of that Company sent by post in a registered letter addressed to the Paddington Station except in cases of emergency, in which case notice of the commencement of the works shall be given as aforesaid to the Great Western Railway Company so soon as possible after the commencement of the works.

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—
 Notice to be given to Great Western Railway Company before breaking up roads crossing railway on level.

TROWBRIDGE WATER ORDER 1926.

7. Subject to the provisions of this Order the Undertakers may on the lands in the parish of Hilperton in the rural district of Melksham shown on the deposited plans (so long as they are possessed of those lands) make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections the following works viz. :—

Power to construct works.

- (1) A reservoir to be situate on lands forming part of the enclosure No. 119 on the Ordnance map (scale $\frac{1}{2500}$ Edition of 1924) Wiltshire Sheet XXXVIII. 4. which lands adjoin the south side of the enclosure No. 114 and the east side of the enclosure No. 121 on the said sheet of the said map :
- (2) An aqueduct (consisting of a line or lines of pipes) commencing in the said reservoir and terminating by a junction with the Company's existing pipe in the road leading from Hilperton to Devizes at a point about 100 yards eastwards from the south-western corner of the said enclosure No. 119 :

Together with all such buildings works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said reservoir and aqueduct.

10. (1) The Undertakers may maintain continue alter improve enlarge extend reconstruct and repair the work hereinafter described and the expenditure of money by the Undertakers on that work is hereby confirmed The work in this sub-Article referred to is :—

Confirmation of pumping station.

The well and pumping station of the Company situate in the parish of Upton Scudamore in the rural district of Warminster in the enclosure numbered 36 on the Ordnance map (scale $\frac{1}{2500}$ Edition of 1924) Wiltshire Sheet XLIV. 16.

(2) The Undertakers may also on and under the lands in the said parish of Upton Scudamore marked on the deposited plans "limit of wells and adits" construct and maintain all such wells adits buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with

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A.D. 1931. or subsidiary to the said pumping station Provided that the Undertakers shall not construct any such wells adits buildings machinery works or apparatus on or under any part of the said lands which does not belong to the Undertakers except by agreement with the owners and occupiers thereof and nothing in this subdivision shall exonerate the Undertakers from any action indictment or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Power to
take waters.

11. The Undertakers may pump collect impound take use divert and appropriate for the purposes of the undertaking all such underground springs or waters as will or may be intercepted by the well and pumping station and works in connection therewith by this Order authorised to be maintained or constructed.

For pro-
tection of
Parish of
Upton
Scudamore.

15. (1) If (i) the Undertakers under the powers of Article 10 (Confirmation of pumping station) of this Order construct any enlargement or extension of the well of the Undertakers described in that Article or any additional well or adit in connection with the pumping station described in that Article and commence to pump a quantity of water in excess of the quantity which could be pumped by the Undertakers by means of the said well and pumping station and works in connection therewith as existing at the commencement of this Order and (ii) at any time after the commencement of the pumping by the Undertakers of such excess quantity of water it shall be proved by or on behalf of the parish meeting or other body having the control of the existing well at the village of Upton Scudamore (hereinafter respectively called "the owner" and "the parish well") that the pumping by the Undertakers of such excess quantity of water has caused through no default of the owner a diminution of the supply of water in the parish well and (iii) at the date of such proof the parish well is being utilised for the supply of water to the inhabitants of the Parish of Upton Scudamore for domestic and farming purposes then the Undertakers shall (upon the written request of the owner) at their option either—

- (a) afford to the owner a supply of water equal to the amount of such diminution as so proved upon such terms as failing agreement shall be settled by arbitration and as will having regard to any disadvantage sustained or benefit derived by the owner from the substitution of the new for the old supply place the owner in a position as nearly as may be as favourable as that enjoyed by the owner immediately before such diminution took place; or
- (b) deepen the parish well or make such borings therein or headings therefrom as will increase the supply so as to make good the said diminution; or
- (c) make compensation in money to the owner for such diminution.

(2) (a) If the Undertakers elect to make good the diminution by affording a supply of water in pursuance of paragraph (a) of sub-division (1) of this Article the owner shall grant to the Undertakers free of charge any necessary wayleave for the purpose of affording such supply. A.D. 1931.
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(b) If the Undertakers elect to make good the diminution by making any deepening borings or headings in pursuance of paragraph (b) of sub-division (1) of this Article the owner shall free of charge to the Undertakers give the Undertakers access and every facility for carrying out such deepening borings or headings and the Undertakers shall make compensation to the owner for any injury caused to the owner by the execution of such deepening borings or headings.

(3) Any compensation payable to the owner under paragraph (c) of sub-division (1) or under paragraph (b) of sub-division (2) of this Article shall be settled in case of difference by arbitration as hereinafter provided and such compensation shall be paid to the owner or if the owner is the parish meeting of Upton Scudamore to the chairman of the parish meeting and overseers of the Parish of Upton Scudamore and applied in such manner and for such purpose as the Minister may direct.

(4) The Undertakers shall not be liable in respect of any claim made by the owner under this Article if the owner shall have failed upon a written request made to him to afford to the officers servants or other representatives of the Undertakers at all reasonable times after the confirmation of this Order access to the parish well for the purpose of ascertaining particulars thereof and the level of the water therein.

(5) Any question or dispute arising under this Article shall be referred to and determined by an arbitrator to be appointed failing agreement between the parties by the Minister and in the manner provided by the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

THIRD SCHEDULE.

PROVISIONS AS TO THE DISSOLUTION OF THE COMPANY.

(1) From and after the day of transfer the company shall continue to exist only for the purpose of receiving and recovering the consideration money or securities to which they become entitled under this Act and of distributing the consideration money or securities and any dividends or other moneys to be distributed by them and for winding up their affairs and carrying into effect the purposes of this Act so far as they relate to the

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A.D. 1931. — company and the directors who are in office at the day of transfer and the survivors or survivor of them shall continue without re-election to hold office as directors and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the provisions of this schedule relating to the company.

(2) As soon as may be after the day of transfer the directors shall proceed to wind up the affairs of the company and shall pay and distribute the net consideration moneys or securities to and among the several persons who at the day of transfer are the registered holders of ordinary stock of the company or their respective executors or administrators in accordance with the section of this Act of which the marginal note is "Distribution of stock among stockholders of company."

(3) The company shall on publication in a local newspaper circulating in the limits of supply of a notice signed by three or more directors and certifying that all the provisions of this schedule have been complied with be dissolved.

FOURTH SCHEDULE.

FORM OF MORTGAGE.

TROWBRIDGE MELKSHAM AND DISTRICT WATER BOARD.

By virtue of the Trowbridge Melksham and District Water Board Act 1931 and of other their powers in that behalf them enabling the Trowbridge Melksham and District 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 Act 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 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

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half-yearly on the day of and the A.D. 1931.
day of in each year 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 or (if not repaid on
that date) at any time thereafter on the expiration of
months' notice in writing by the Board to the mortgagee or
by the mortgagee to the Board] [by]:

Provided always and it is hereby agreed and declared
that the before-mentioned time for repayment may be extended
to such subsequent day or days and upon any such extension
the before-mentioned rate of interest may be altered to such
other rate or rates of interest as shall from time to time be
agreed upon between the Board and the mortgagee and
mentioned in an endorsement to be made hereon under the
hand of the clerk of 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 .

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 .

FORM OF TRANSFER OF MORTGAGE.

I [the within-mentioned] 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 Trowbridge Melksham and District Water Board bearing
the date day of] and all my

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A.D. 1931. 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 .

FIFTH SCHEDULE.

FORM OF RECEIPT.

Received from the treasurer to the Trowbridge Melksham and District Water Board acting on their behalf the sum of being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up.

Dated this day of one thousand
nine hundred and .

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