

[21 & 22 GEO. 5.]      *Public Works*      [Ch. lxxiii.]  
*Facilities Scheme (Swindon Corporation)*  
*Confirmation Act, 1931.*



**CHAPTER lxxiii.**

An Act to confirm a Scheme made by the Minister of Health under the Public Works Facilities Act 1930 relating to the Swindon Corporation.      A.D. 1931.  
—  
[31st July 1931.]

**W**HEREAS under the provisions of the Public Works Facilities Act 1930 the Minister of Health has made a Scheme which needs confirmation by Parliament :      20 & 21  
Geo. 5 c. 50.

Be it therefore 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 :—

1. The Scheme of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force.      Scheme in schedule confirmed.

2. This Act may be cited as the Public Works Facilities Scheme (Swindon Corporation) Confirmation Act 1931.      Short title.

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SCHEDULE.

SWINDON CORPORATION.

*Swindon Corporation (Waterworks) Scheme.*

*Scheme under the Public Works Facilities Act 1930 empowering the mayor aldermen and burgesses of the borough of Swindon to construct waterworks and for other purposes.*

WHEREAS the mayor aldermen and burgesses of the borough of Swindon (hereinafter called "the Corporation") are desirous of providing constructing and carrying out the works authorised by this Scheme;

And whereas the powers contained in this Scheme are required by the Corporation for the purpose of enabling them to execute such works;

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the various works by this Scheme authorised and such estimates are as follows :—

	£
For the purchase of land - - - - -	4,000
For and in connection with the construction of waterworks - - - - -	147,000

And whereas the Minister of Health is satisfied—

- (a) that such works will materially contribute to the relief of unemployment; and
- (b) that the relief of unemployment will be materially expedited by reason of the powers being conferred by this Scheme instead of by a local Act; and
- (c) that the powers conferred by this Scheme are such as are customarily conferred on local authorities by local Acts; and
- (d) that the powers so conferred will not enable the Corporation to undertake functions of a different nature from those already within their statutory powers:

Now therefore the Minister of Health in pursuance of the powers given to him by section 1 of the Public Works Facilities



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Act 1930 and of all other powers enabling him in that behalf hereby makes the following Scheme :—

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1.—(1) This Scheme may be cited as the Swindon Corporation (Waterworks) Scheme 1931.

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*Swindon Corporation (Waterworks) Scheme.*

(2) This Scheme shall come into force upon the date upon which the Act which confirms this Scheme is passed and that date is in this Scheme referred to as "the commencement of this Scheme."

Short title and commencement.

2.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Scheme) are hereby incorporated with this Scheme (namely) :—

Incorporation of Acts.

(i) The Lands Clauses Acts with the following exceptions and modifications :—

(a) Sections 92 and 127 to 132 inclusive of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Scheme;

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

(c) In lieu of section 92 of the Lands Clauses Consolidation Act 1845 the following provision shall have effect :—

No person shall be required to sell a part only of any house building or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building manufactory park or garden unless the arbitrator determines that in the case of a house building or manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if he so determines he may award compensation in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the local authority or statutory undertakers that part of the house building manufactory park or garden;

(ii) The Waterworks Clauses Acts 1847 and 1863; and

(iii) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation

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of lands near the railway during the construction thereof and in such provisions for the purposes of this Scheme "the railway" means the waterworks authorised by this Scheme and "the centre of the railway" means the centre of such waterworks respectively.

(2) For the purposes of such incorporation the expression "special Act" in the said Acts shall mean this Scheme and the expression "the Company" shall mean the Corporation as hereinafter defined.

Interpreta-  
tion.

3.—(1) In this Scheme the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Scheme unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Swindon;

"The borough" means the borough of Swindon;

"The deposited plans" "the deposited sections" and "the deposited book of reference" mean respectively the plans sections and book of reference deposited with the clerk of the county council of the administrative county of Wilts in respect of this Scheme;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Scheme;

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

"The Minister" means the Minister of Health;

"The Act of 1894" and "the Act of 1904" mean respectively the Swindon Water Act 1894 and the Swindon Corporation Act 1904;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878;

"Revenues of the Corporation" has the meaning assigned to it by section 4 (Interpretation) of the Act of 1904.

Power to  
make water-  
works.

4.—(1) Subject to the provisions of this Scheme the Corporation may make and maintain and from time to time alter renew and reconstruct in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited



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book of reference and according to the levels shown on the deposited sections the waterworks hereinafter described. A.D. 1931.

The said waterworks will be situate in the county of Wilts and are—

—  
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Work No. 1 A well and pumping station with boreholes adits headings pumps engine houses tanks and other works and conveniences (in this Scheme called "the Latton pumping station") to be situate in the parish of Latton in enclosures Nos. 59 and 60 and parts of the enclosures Nos. 56 57 58 and 62 on the 1/2500 Ordnance map of Wiltshire (edition of 1921) sheet No. V. 5;

Work No. 2 A conduit or line or lines of pipes to be situate in the parishes of Latton Cricklade and Blunsdon Saint Andrew commencing at the Latton pumping station and terminating in Ermine Street in the said parish of Blunsdon Saint Andrew;

Work No. 3 A conduit or line or lines of pipes to be situate in the said parish of Blunsdon Saint Andrew commencing at the termination of Work No. 2 herein-before described and terminating in Work No. 4 hereinafter described;

Work No. 4 A covered service reservoir (to be called "the Blunsdon reservoir") situate in the said parish of Blunsdon Saint Andrew in enclosure No. 223 on the 1/2500 Ordnance map of Wiltshire (edition of 1923) sheet No. X. 8;

Work No. 5 A conduit or line or lines of pipes to be situate in the parishes of Blunsdon Saint Andrew and Stratton Saint Margaret and in the borough commencing at the termination of Work No. 2 hereinbefore described and terminating in the borough at the junction of County Road Shrivenham Road and Drove Road;

Work No. 6 A covered service reservoir (to be called "the New Overtown reservoir") to be situate in the parish of Wroughton in enclosure No. 93 on the 1/2500 Ordnance map of Wiltshire (edition 1924) sheet No. XXII. 4;

Work No. 7 A conduit or line or lines of pipes to be situate in the said parish of Wroughton commencing at the New Overtown reservoir and terminating by a junction with the existing water mains of the Corporation at the point where those mains enter the existing Overtown reservoir of the Corporation.

(2) The Corporation may upon lands acquired by them for the purposes of or in connection with their water undertaking under the provisions of this Scheme make and maintain and from time to time alter renew and reconstruct all such



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works and conveniences as they may consider necessary or convenient in connection with or subsidiary to the waterworks authorised by this Scheme or for inspecting maintaining repairing cleansing managing working or using the same or any of them :

Provided that—

- (a) nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them ;
- (b) any electric apparatus shall be so made maintained and used as not to cause any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Limits of deviation for waterworks.

5. In the construction of the waterworks authorised by this Scheme the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate from the levels shown on the deposited sections to any extent not exceeding six feet upwards and to any extent downwards :

Provided that except for the purpose of crossing over a river or stream no part of any conduit or line or lines of pipes shall be raised above the surface of the ground unless and except so far as shown upon the deposited sections.

Period for completion of waterworks.

6.—(1) If the waterworks authorised by this Scheme and delineated on the deposited plans are not completed within a period of five years from the commencement of this Scheme then on the expiration of that period the powers granted by this Scheme for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of the waterworks authorised by this Scheme and in the case of the Latton pumping station (Work No. 1) make additional wells shafts bores adits headings machinery works and conveniences in connection with such pumping station and (in the case of any conduit or line or lines of pipes authorised by this Scheme) lay down additional lines of pipes as and when occasion may require.

Power to take waters.

7. Subject to the provisions of this Scheme the Corporation may collect impound take use divert and appropriate for the purposes of their waterworks all such underground springs and waters as will or may be intercepted by the waterworks authorised by this Scheme Provided that the Corporation shall not construct



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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 Scheme or in an Act of Parliament or Order confirmed by Parliament.

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

Temporary stoppage of streets.

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

(3) The Corporation shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of the Great Western Railway Company.

9. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the conduits or lines of pipes authorised by this Scheme and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may erect or lay down for the purposes of their water undertaking Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Application of Waterworks Clauses Act 1847.

10.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any waterwork of the Corporation authorised by this Scheme the Corporation may cause the water in any such work to be discharged into any available stream watercourse or ditch Provided that any water so discharged shall be as free as may be reasonably practicable from mud or silt or offensive matter and from matter injurious to fish or spawn or spawning beds or food of fish.

Discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation 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

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A.D. 1931.      the amount of compensation to be settled in case of difference  
—      by arbitration in accordance with the provisions of the Arbitration  
*Swindon*      Act 1889.

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

Works to  
form part of  
water under-  
taking.

11. Subject to the provisions of this Scheme the waterworks to be constructed under the authority of this Scheme shall for all purposes be deemed part of the water undertaking of the Corporation.

Power to  
take lands.

12. Subject to the provisions of this Scheme the Corporation may (in so far as they are not already possessed of the same) enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for and in connection with the construction of the waterworks authorised by this Scheme.

Period for  
compulsory  
purchase of  
lands.

13. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Scheme shall cease after the expiration of three years from the first day of October nineteen hundred and thirty-one.

Extinction  
of private  
rights of  
way.

14.—(1) All private rights of way over any lands which the Corporation are authorised by this Scheme to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation if the Corporation shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Acquisition  
of ease-  
ments.

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

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions



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of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall be subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Scheme had not passed.

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

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

16.—(1) Notwithstanding anything contained in this Scheme the Corporation shall not acquire any part or parts exceeding a total area of three hundred square yards of the common or commonable lands in the parish of Cricklade numbered 17 18 22 and 25 on the deposited plans in respect of that parish but in pursuance of the section of this Scheme whereof the marginal note is "Acquisition of easements" they may acquire such easements and rights in over or through all or any of such common or commonable lands as they may require for the purposes mentioned in that section.

Limitation  
on acquisition  
of  
common  
land.

(2) The surface of any common or commonable lands which may be disturbed by reason of any easement or right acquired under this Scheme shall as soon as practicable be restored by the Corporation to its former condition.

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

Compensa-  
tion in case  
of recently  
acquired  
interest.

18. For the protection of the Conservators of the river Thames (in this section referred to as "the Conservators") the following provisions shall notwithstanding anything shown on the deposited plans and sections or contained in this Scheme or

For protec-  
tion of  
Conservators  
of river  
Thames.

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- (1) In this section the expression "the said rivers" means the river Thames and the river Ray and includes the beds banks and shores of those rivers and the towpath adjacent to the river Thames :
- (2) The conduit or line or lines of pipes (Work No. 2) and any other line or lines of pipes authorised by this Scheme crossing the river Thames and the river Ray shall be laid in the beds thereof and the top of such conduit or line or lines of pipes shall in each case be at such level as may be agreed between the Conservators and the Corporation or determined by arbitration as hereinafter provided :
- (3) All works whether temporary or permanent authorised by this Scheme affecting the said rivers shall be executed by the Corporation according to plans and sections reasonably approved in writing by the Conservators and all such works and all works of maintenance affecting the said rivers shall be executed to the reasonable satisfaction of the Conservators and under the superintendence if given of their engineer and the navigation of the river Thames shall not be interfered with more than is absolutely necessary in the execution and maintenance of the works Provided that if the Conservators do not notify their disapproval of such plans and sections within 21 days after the same are submitted to them by the Corporation they shall be deemed to have approved thereof :
- (4) The Corporation shall (except in cases of emergency in which cases notice shall be given to the Conservators as soon as practicable) give to the Conservators at least twenty-one days' notice in writing before the commencement of any work affecting the said rivers :
- (5) All works affecting the said rivers when commenced shall be proceeded with and completed as early as reasonably practicable and the Corporation shall upon completion of the permanent works remove the whole and every part of any temporary works and materials for temporary works which may have been placed in the said rivers by the Corporation and on their failing so to do the Conservators may remove the same charging the Corporation with the reasonable expense of so doing and the Corporation shall forthwith repay to the Conservators all expenses so incurred :



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- (6) All piles and other works (other than those forming part of the permanent works) in the beds of the said rivers shall be drawn from the said rivers and not cut off :
- (7) On the completion of the works affecting the said rivers the Corporation shall properly fill in and level the beds of the said rivers and shall execute such works or take such means as may be required to make good and protect the banks of the said rivers interfered with by the operations of the Corporation all to the reasonable satisfaction of the Conservators :
- (8) The Corporation shall during the construction and on the occasion of the repair of any works affecting the river Thames hang out and exhibit such lights and signals at all such times as the Conservators by writing under the hand of their secretary or other authorised officer shall direct and in case the Corporation fail to exhibit and keep burning the lights and to exhibit the signals in accordance with such directions of the Conservators they shall for every such offence forfeit to the Conservators a sum not exceeding ten pounds which may be recovered by the Conservators in a summary manner in any court of competent jurisdiction :
- (9) The Corporation shall not (except so far as shall be necessary in the construction of the works authorised by this Scheme) take any gravel soil or other materials from the said rivers without the previous consent of the Conservators signified in writing under the hand of their secretary :
- (10) The Corporation shall not embank or encroach upon or interfere with any part of the said rivers otherwise than according to plans and sections reasonably approved by the Conservators. Provided that if the Conservators do not notify their disapproval of such plans and sections within 21 days after the same are submitted to them by the Corporation they shall be deemed to have approved thereof :
- (11) All works authorised by this Scheme including the exhibition of lights and signals as provided by this section shall be executed by the Corporation at their sole risk and responsibility and the Corporation shall indemnify the Conservators against all actions proceedings claims and demands in respect of all or any damage which may at any time be occasioned to any person or persons or property by reason of the works and operations of the Corporation and against all claims in respect of damage to any person or craft

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occasioned through any failure to remove any temporary works or materials for temporary works :

- (12) If any difference shall arise under the provisions of this section between the Corporation and the Conservators such difference shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other of them) 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 determination.

For protec-  
tion of  
Wilts County  
Council.

19. For the protection of the council of the administrative county of Wilts (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the Corporation and the county council apply and have effect in relation to the making and maintenance of Works Nos. 2 3 and 5 authorised by this Scheme (that is to say):—

- (1) In this section—

the word "road" means any road for the time being vested in or repairable by the county council and situate within any part of the limits of supply or which the Corporation are authorised to break up or interfere with under this Scheme and any embankments retaining walls or other works connected therewith and vested in the county council;

the word "bridge" means any county bridge or any bridge carrying a road as lastly hereinbefore defined or flood arch situate within the said limits or which the Corporation are authorised to break up or interfere with as aforesaid and includes the road over such bridge or flood arch and the approaches thereto respectively :

- (2) In relation to any road or bridge section 30 of the Waterworks Clauses Act 1847 shall (except in cases of leakage bursting or other emergency) have effect as if the word "seven" were substituted for the word "three" in that section :
- (3) All mains to be laid in or affecting any road shall be laid in such position and at such depth in or at the side thereof as the county council in writing under the hand of the county surveyor may reasonably approve Provided that if the county council do not notify their disapproval of the proposals of the Corporation as to the position or depth of any such mains within fourteen days after the submission to them by the Corporation of such proposals they shall be deemed to have approved thereof :



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- (4) In the case of any works which it is reasonably necessary to lay otherwise than in the roadway over any bridge the same shall be carried on the structure thereof in such manner as the county council may in writing under the hand of the county surveyor reasonably approve and except as aforesaid the Corporation shall not interfere with the structural part of any bridge without the consent in writing of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :
- (5) The Corporation shall not permit any trench made by them in any road where there is not room enough for two carts to pass one another to be opened at any one time for such greater consecutive distance as may be reasonably specified by the county surveyor :
- (6) Whenever the Corporation in the exercise of their statutory powers shall have opened or broken up the carriageway or footway of any road or of any bridge the Corporation shall with all practicable speed reinstate and make good such carriageway or footway to the reasonable satisfaction of the county council and for that purpose section 32 of the Waterworks Clauses Act 1847 shall have effect as if the reinstatement and making good of the road required by that section included the application of a sufficient layer of surface metalling of the same specification as that employed by the county council for the particular carriageway or footpath and also included proper and ample ramming or the use of a hand roller and (after such ramming or use) the use of a steam roller on the places where the carriageway has been broken up until the surface thereof has been made uniform with the unbroken surface adjoining :
- (7) If the Corporation after reasonable notice from the county council under the hand of the county surveyor shall neglect to do or complete any work or act required by this section to be done by the Corporation then and in any such case the county council may do such work or act themselves under the superintendence (if given) of the Corporation causing as little damage or inconvenience to the Corporation as the circumstances may admit and the Corporation shall repay to the county council all expenses reasonably incurred by the county council in connection with any such work or act :
- (8) The surplus paving metalling or materials removed during the laying renewal or repair of the mains pipes or works of the Corporation shall not after completion

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of the work be placed on the metalled portion of any road or in or upon any bridge without the written consent of the county surveyor and subject to such conditions and directions as he may reasonably require or give :

- (9) All surplus paving metalling or materials removed during the laying of any works by the Corporation in or along any road or in upon or across any bridge and not required by the Corporation for the purpose of reinstating making good and maintaining the road or bridge may be used by the county council for the maintenance and repair of any road and the Corporation shall on receiving notice from the county surveyor forthwith remove the same to such place or places not more than one mile from the place of excavation as the county surveyor may direct and if the Corporation fail so to do the county surveyor may remove the same but the county council shall repay to the Corporation any expenses which the Corporation may reasonably incur in complying with any directions of the county surveyor under this subsection :
- (10) Except in cases of emergency all works of the Corporation so far as they affect any road or bridge shall be so executed by the Corporation as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on such road or over such bridge :
- (11) Any difference which shall arise between the county council and the Corporation under the foregoing provisions of this section shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For protec-  
tion of  
Swindon  
United Gas  
Company.

20.—(1) Whenever in the exercise of the powers of this Scheme the Corporation shall desire to effect any alteration diversion or stopping up of any of the mains pipes valves plugs or other apparatus or works belonging to or under the control of the Swindon United Gas Company (in this section referred to as "the company") the Corporation shall give to the company not less than fourteen days' notice in writing of such desire and the company may (if they so desire) forthwith themselves carry out such alteration diversion or stopping up to the satisfaction of the Corporation and the reasonable expenses incurred by the company in so doing shall be repaid to the company by the Corporation. Provided that if the company fail within such period of fourteen days so to carry out such alteration diversion or stopping up the Corporation may themselves proceed to carry



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out the same with all reasonable expedition under the superintendence (if given) and to the reasonable satisfaction of the company.

(2) Any dispute arising between the Corporation and the company under the provisions of subsection (1) of this section or as to anything to be done or not to be done thereunder shall be referred to and determined by a single arbitrator to be appointed in default of agreement 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 reference and determination.

21. 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 company and the Corporation apply and have effect in relation to the exercise of the power of this Scheme (that is to say) :—

- (1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any part of Work No. 5 by this Scheme authorised which may be situate under or in any way affecting the railway or works of the company the same shall be done by and in all things at the expense of the Corporation except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and at such time or times as he shall reasonably approve and so as not to interfere with the structure of such railway or works and (except in cases of repair) according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall be executed. Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-one days after they shall have been submitted to him he shall be deemed to have approved thereof:
- (2) The Corporation shall restore and make good to the reasonable satisfaction of the said engineer the railway and works of the company so far as the same may be disturbed or interfered with by or owing to any of the operations of the Corporation :
- (3) So much of Work No. 5 as aforesaid shall be constructed and maintained so as to cause as little injury as may be to the railway or works of the company and so as not to cause any interruption to the passage or conduct of traffic over such railway and if any such injury or interruption shall arise from the acts or operations of

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—  
*Swindon Corporation*  
*(Waterworks)*  
*Scheme.*

For protection of Great Western Railway Company.

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—  
*Swindon  
Corporation  
(Waterworks)  
Scheme.*

the Corporation or by reason of the failure of the Corporation to maintain such works or if any bursting leakage or failure of the works of the Corporation under or near to any railway or works of the company shall cause any injury to such railway or works all such injury shall forthwith be made good by the Corporation at their own expense and to the reasonable satisfaction of the said engineer and the Corporation shall be responsible for and save harmless and indemnify the company from all claims in respect of any such injury or interruption and shall make compensation to the company for and in respect thereof including any compensation payable as aforesaid and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail:

- (4) In the event of the Corporation failing to make good such injury as aforesaid or failing to maintain so much of Work No. 5 as aforesaid (where that work passes under or in any way affects the railway or works of the Company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the company may make good the same and may make and do in and upon as well the lands of the Corporation as their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof (including compensation payable as aforesaid) from the Corporation:
- (5) Any additional expense which the company may reasonably incur in widening altering reconstructing repairing or maintaining in pursuance of any powers existing at the passing of this Scheme their railway or other works by reason of the existence of the works of the Corporation laid or executed under the powers of this Scheme upon across or under the same shall be paid by the Corporation:
- (6) The Corporation shall not without the previous consent of the company exercise the powers conferred on them by the section of this Scheme of which the marginal note is "Application of Waterworks Clauses Act 1847" in respect to any street or road which is the property of the company and which forms the approach to any station or depot of the company but such consent shall not be unreasonably withheld:
- (7) Any difference arising between the Corporation and the company respecting any of the matters referred to in this section shall be referred to and determined by



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*Facilities Scheme (Swindon Corporation)*  
*Confirmation Act, 1931.*

an arbitrator to be appointed at the request of either party after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 or any statutory re-enactment or modification thereof shall apply to any such reference and determination.

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 —  
*Swindon Corporation (Waterworks) Scheme.*

22.—(1) At any time after the Corporation commence the pumping of water from and by means of Work No. 1 authorised by this Scheme they shall within three months after receiving notice in writing from the Highworth Rural District Council (in this section called "the council") requiring them so to do supply to the council in bulk such daily quantity of water (to be used by the council for the supply of water in their district) as the council shall from time to time require but not exceeding a total maximum quantity of twenty thousand gallons in any one day.

As to supply of water to Highworth Rural District Council.

(2) Such supply shall be delivered at such point or points on the water mains of the Corporation as may be agreed upon between the Corporation and the council or as failing agreement may be determined by arbitration under this section. Provided that in the event of the question having to be determined by arbitration the arbitrator shall not be entitled to fix such point or points elsewhere than on those parts of Work No. 2 Work No. 3 Work No. 5 and Work No. 7 authorised by this Scheme as are in the Highworth Rural District.

(3) The price to be paid by the council to the Corporation for the supply of water under this section shall be one shilling per one thousand gallons. Provided that either the Corporation or the council by giving not less than six calendar months' notice in writing to the other to expire at the end of each period of ten years during the continuance of a supply under this section may if the cost of labour and materials or other circumstances affecting the supply has substantially altered require a revision of the said price or of any price for the time being substituted therefor under this subsection and thereupon as and from the expiration of any such notice the price to be paid by the Council shall be a price failing agreement to be determined by arbitration hereunder.

(4) (a) All water supplied to the council under this section shall be measured by meter or other apparatus to be provided and maintained by the Corporation at every point at which such supply shall be delivered and each such meter or other apparatus shall be placed in a meter house to be erected and maintained by the Corporation on a site to be provided for the purpose by the council. The reasonable cost incurred by the Corporation in providing and maintaining any such meter or other apparatus and in erecting and maintaining such meter house shall be repaid to them by the council on demand.



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*Facilities Scheme (Swindon Corporation)*  
*Confirmation Act, 1931.*

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*Swindon Corporation*  
*(Waterworks)*  
*Scheme.*

(b) The measurements shown by such meter or other apparatus shall be accepted as prima facie evidence of the quantity of water supplied by the Corporation under this section.

(5) The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council under this section if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Corporation or during any time when the works of the Corporation shall be undergoing necessary repairs or cleansing.

(6) All payments for water supplied under this section shall be payable quarterly on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December in every year and if such payment be not made within twenty-eight days after the delivery of the account for the same by the Corporation the council shall pay interest on the amount due at the rate of five per cent. per annum from the expiration of such twenty-eight days to the date of payment.

(7) Any dispute question or difference arising between the Corporation and the council under this section shall unless otherwise agreed be referred to an arbitrator appointed by the Minister on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

As to supply  
of water to  
Cricklade  
and Wootton  
Bassett  
Rural Dis-  
trict Council.

23.—(1) At any time after the Corporation commence the pumping of water from and by means of Work No. 1 authorised by this Scheme they shall within three months after receiving notice in writing from the Cricklade and Wootton Bassett Rural District Council (in this section called "the council") requiring them so to do supply to the council in bulk—

(a) such daily quantity of water to be used by the council for the supply of water only in the parish of Latton as the council shall from time to time require but not exceeding a total maximum quantity of ten thousand gallons in any one day;

(b) such daily quantity of water to be used by the council for the supply of water only in so much of the remainder of their district (excluding the parish of Latton) as lies within the catchment area of the Thames (as such catchment area is defined by section 5 of the Thames Conservancy Act 1924) as the council shall from time to time require but not exceeding a total maximum quantity of fifty thousand gallons in any one day.

(2) Such supply shall be delivered at such point or points on the water mains of the Corporation as may be agreed upon between the Corporation and the council or as failing agreement may be determined by arbitration under this section Provided



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*Facilities Scheme (Swindon Corporation)*  
*Confirmation Act, 1931.*

that in the event of the question having to be determined by arbitration the arbitrator shall not be entitled to fix such point or points elsewhere than on Work No. 2 authorised by this Scheme.

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—  
*Swindon  
Corporation  
(Waterworks)  
Scheme.*

(3) The prices to be paid by the council to the Corporation for the supply of water under this section—

(a) as regards the supply of water for use in the parish of Latton; and

(b) as regards the supply of water for use in so much of the remainder of the district as aforesaid;

shall be such as may be agreed between the council and the Corporation or failing agreement determined by arbitration under this section :

Provided that either the Corporation or the council by giving not less than six calendar months' notice in writing to the other to expire at the end of each period of ten years during the continuance of a supply under this section may if the cost of labour and materials or other circumstances affecting the supply have substantially altered require a revision of the said prices or of any prices for the time being substituted therefor under this subsection and thereupon as and from the expiration of any such notice the prices to be paid by the council shall be prices failing agreement to be determined by arbitration hereunder.

(4) (a) All water supplied to the council under this section shall be measured by meter or other apparatus to be provided and maintained by the Corporation at every point at which such supply shall be delivered and each such meter or other apparatus shall be placed in a meter house to be erected and maintained by the Corporation on a site to be provided for the purpose by the council. The reasonable cost incurred by the Corporation in providing and maintaining any such meter or other apparatus and in erecting and maintaining such meter house shall be repaid to them by the council on demand.

(b) The measurements shown by such meter or other apparatus shall be accepted as prima facie evidence of the quantity of water supplied by the Corporation under this section.

(5) The Corporation shall not be liable for any damage loss or expense caused by any failure in the supply of water to the council under this section if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Corporation or during any time when the works of the Corporation shall be undergoing necessary repairs or cleansing.

(6) All payments for water supplied under this section shall be payable quarterly on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first

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—  
*Swindon  
Corporation  
(Waterworks)  
Scheme.*

day of December in every year and if such payment be not made within twenty-eight days after the delivery of the account for the same by the Corporation the council shall pay interest on the amount due at the rate of five per cent. per annum from the expiration of such twenty-eight days to the date of payment.

(7) Any dispute question or difference arising between the Corporation and the council under this section shall unless otherwise agreed be referred to an arbitrator appointed by the Minister on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protec-  
tion of  
Co-operative  
Wholesale  
Society  
Limited.

24.—(1) In this section the expression "the signed plan" means the plan signed in triplicate by William Henry Bentley on behalf of the Corporation and by Stuart Richardson on behalf of the society one copy of which plan has been deposited with the Minister the second with the Corporation and the third with the society.

(2) As from the date upon which the Corporation commence to pump water from and by means of Work No. 1 authorised by this Scheme the Corporation shall furnish to the Co-operative Wholesale Society Limited (in this section called "the society") free of charge such total quantity of water as the society shall from time to time by notice in writing require but not exceeding a maximum quantity of seventy five thousand gallons in any one day.

(3) Such supply shall be delivered at such one point on the lands coloured pink on the signed plan as may be agreed upon between the Corporation and the society or as (failing agreement) may be determined by arbitration under this section. Provided that in the event of any question under this subsection having to be determined by arbitration the arbitrator shall not be entitled to fix such point elsewhere than at Work No. 1 or on so much of Work No. 2 as is situate on the said lands coloured pink.

(4) The Corporation shall not be liable for failure to afford a supply of water in pursuance of this section if such failure shall be occasioned by frost unusual drought or any cause beyond the control of the Corporation or during any time when the works of the Corporation shall be undergoing necessary repairs or cleansing.

(5) Any supply of water afforded by the Corporation to the society under the provisions of this section shall only be used by the society on the lands coloured pink upon the signed plan.

(6) Any dispute or difference arising between the Corporation and the society under this section shall unless otherwise agreed be referred to an arbitrator appointed by the Minister on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.



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*Facilities Scheme (Swindon Corporation)*  
*Confirmation Act, 1931.*

(7) The Corporation may supply to the society for use upon the lands coloured pink upon the signed plan such further quantity of water and upon such terms as may from time to time be agreed between the society and the Corporation.

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—  
*Swindon Corporation*  
*(Waterworks)*  
*Scheme.*

(8) The provisions of this section shall be taken into account in assessing any compensation payable to the society by the Corporation under the provisions of the Lands Clauses Acts in respect of the exercise of the powers of this Scheme by the Corporation.

25.—(1) If at any time after the completion of the well (Work No. 1) authorised by this Scheme it shall be proved by the owner of any well which is situate within a radius of one mile from the said Work No. 1 and which is used at the passing of the Act confirming this Scheme as an effective source of supply (in this section called "the owner") that the pumping by the Corporation at the said Work No. 1 has caused a diminution or cesser of the supply of water in such well the Corporation shall upon the written request of such owner afford to him a supply of water equal to the amount of such diminution or the supply which shall have ceased (as proved) at such cost or rate (if any) as that the total cost to the owner of obtaining his full supply shall be the same after as before the construction of the said well (Work No. 1) authorised by this Scheme and upon such other terms as may be agreed or failing agreement may be settled by arbitration as hereinafter provided.

For protec-  
tion of  
certain  
existing  
sources of  
supply.

(2) Provided that—

- (a) the Corporation shall not be under any obligation to give a supply of water for domestic purposes under this section in respect of any well the water from which is so polluted as to be or to be likely to be injurious to health;
- (b) the Corporation shall not be liable in respect of any claim made by the owner under this section if such owner shall have failed to afford to the Corporation and their officers servants and other representatives at all reasonable times after the passing of the Act confirming this Scheme access to the well in respect of which the claim is made and facilities for ascertaining particulars thereof and the level of the water therein;
- (c) the Corporation shall not be subject to the obligations of this section if prevented from supplying water thereunder in consequence of frost unusual drought or other unavoidable cause or accident.

(3) All mains pipes meters and fittings required for the purpose of supplying water to any owner in pursuance of this

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*Facilities Scheme (Swindon Corporation)*  
*Confirmation Act, 1931.*

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—  
*Swindon  
Corporation  
(Waterworks)  
Scheme.*

section shall be provided laid down and fixed and all such mains pipes and meters shall be maintained by and at the expense of the Corporation and the owner shall afford to the Corporation all reasonable or necessary facilities for these purposes but all such fittings which shall be placed or fixed upon the land or premises of any owner shall be repaired and maintained and (when necessary) renewed and made good by such owner to the satisfaction of the Corporation.

(4) The Corporation may if they think fit in lieu of affording a supply of water equal to the diminution of the supply or cesser of supply in any such well deepen such well or make such borings therein or headings therefrom or carry out such other works as will increase the supply so as to make good the said diminution or cesser and the owner shall without making any charge therefor give the Corporation access and every facility for carrying out such deepening borings headings or works.

(5) The Corporation may if they think fit in lieu of affording a supply equal to the diminution or the supply which shall have ceased as aforesaid make compensation in money to any such owner for such diminution or cesser of supply and they shall also make like compensation for any injury caused to such owner by the powers conferred by the last preceding subsection and the amount of such compensation shall be settled in case of difference by arbitration as hereinafter provided.

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

(7) Any question which may arise between the Corporation and any owner as to the quantity time place or manner of the supply to be afforded by the Corporation in pursuance of this section and any other question dispute or difference which may arise between the Corporation and the owner under the foregoing provisions of this section shall be referred to the arbitration of a single arbitrator appointed unless otherwise agreed 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.

(8) The Corporation and the owner may enter into and fulfil agreements with reference to the supply of water by the Corporation to such owner or with reference to any matter referred to in this section and may by any such agreement alter or modify any of the provisions of this section so far as they relate to such owner.



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*Facilities Scheme (Swindon Corporation)*  
*Confirmation Act, 1931.*

(9) In this section the expression "owner" shall include any lessee or occupier.

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26.—(1) The Corporation 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 that table and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (which for the purposes of this Scheme and of any enactment incorporated therewith or applied thereby shall respectively be "the prescribed period") mentioned in the third column of the said table (namely):—

—  
*Swindon Corporation (Waterworks) Scheme.*  
 Power to borrow.

1	2	3
Purpose.	Amount.	Period.
(a) The construction of the waterworks authorised by this Scheme and the purchase of easements.	£126,000	Thirty years from the date or dates of borrowing.
(b) The purchase of land - - -	£4,000	Sixty years from the date or dates of borrowing.
(c) The provision of machinery - -	£21,000	Fifteen years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Scheme.	The sum requisite	Five years from the commencement of this Scheme.

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

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Scheme and the enactments incorporated therewith or applied thereby.

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

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*Confirmation Act, 1931.*

A.D. 1931.

—  
*Swindon  
Corporation  
Waterworks)  
Scheme.*

(3) The exercise of the powers of this section shall be deemed to be the exercise by the Corporation of a statutory borrowing power within the meaning of the Act of 1904 and for the purposes of the provisions of that Act which are incorporated with and applied to the provisions of this Scheme.

Application  
of sections of  
Acts of 1894  
and 1904.

27. The following sections of the Act of 1894 and the Act of 1904 shall with any necessary alterations or modifications and subject to the provisions of this Scheme extend and apply for the purposes of this Scheme as if the same were re-enacted herein (namely) :—

The Act of 1894—

- Section 32 (Power to grant easements &c.);
- Section 34 (Power to hold lands needful to prevent fouling and to protect waterworks);
- Section 35 (Reservation of water rights &c. on sale);
- Section 36 (Proceeds of sale of surplus land to be treated as capital).

The Act of 1904—

- Section 144 (Mode of raising money);
- Section 146 (Provisions of Public Health Act as to mortgages to apply);
- Section 153 (Mode of payment off of money borrowed);
- Section 154 (Sinking fund);
- Section 155 (Protection of lender from inquiry);
- Section 156 (Corporation not to regard trusts);
- Section 157 (Appointment of receiver);
- Section 158 (Power to re-borrow);
- Section 159 (Application of money borrowed);
- Section 166 (Inquiries by Local Government Board);
- Section 181 (Persons acting in execution of Act not to be personally liable) :

Provided that for the purposes of such extension and application the said section 154 of the Act of 1904 shall have effect as if the words "three pounds ten shillings or such other rate" "per centum per annum as may from time to time be approved" "by the Minister of Health" were inserted therein instead of the words "three per centum per annum" and the said section 166 of the Act of 1904 shall have effect as if the words "not exceeding three guineas a day" were omitted therefrom.

Application  
of provisions  
of Telegraph  
Act 1878.

28. When confirmed by Parliament this Scheme shall for the purposes of the Telegraph Act 1878 be deemed to be an Order confirmed by Act of Parliament.



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*Facilities Scheme (Swindon Corporation)*  
*Confirmation Act, 1931.*

29. All the costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and confirming this Scheme and otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of their water undertaking or out of the moneys to be borrowed under this Scheme for that purpose.

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—  
*Swindon  
Corporation  
(Waterworks)  
Scheme.*

Costs of  
Scheme.

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