



## CHAPTER xxxi.

An Act to authorise the urban district council of Lymm A.D. 1913.  
to purchase the undertaking of the Lymm Water  
Company and certain properties of the Lymm Estate  
Development Company Limited and to supply water  
within their urban district and the neighbourhood to  
confer further powers upon them in regard to their  
gas undertaking and to make further provision for the  
health local government and improvement of the district  
and for other purposes. [15th August 1913.]

**W**HEREAS the urban district of Lymm in the county of  
Chester (in this Act called "the district") is an urban  
district within the meaning of the Local Government Act 1894  
and is under the management and control of the urban district  
council of Lymm (in this Act called "the Council"):

And whereas the Lymm Water Company (in this Act  
called "the water company") under and by virtue of the  
Lymm Water Act 1874 have constructed waterworks and are  
supplying the district with water:

And whereas it is expedient that the water supply of the  
district should be under the control of the Council and that  
provision should be made in regard to the supply of water by  
the Council within the limits of this Act:

And whereas it is expedient that the undertaking of the  
water company should be transferred to and vested in the  
Council in manner provided by this Act:

And whereas the water company have not borrowed any  
money on mortgage of their undertaking:

A.D. 1913.

And whereas it is expedient that the Council should be authorised to purchase and the Lymm Estate Development Company Limited (in this Act called "the estate company") should be authorised to sell the several properties and premises specified in the agreement between the water company the estate company and the Council set forth in the First Schedule to this Act and that the same should be transferred to and vested in the Council:

And whereas the parish of Warburton in the rural district of Bucklow adjoining the district is without a proper supply of water and it is expedient that the Council should be authorised to supply water within the said parish:

And whereas the North Cheshire Water Company were by the North Cheshire Water Act 1864 authorised to supply water within the said parish of Warburton but no such supply has been given in the said parish and it is expedient that the powers of the North Cheshire Water Company in that behalf should be repealed:

And whereas the Council are authorised to and do supply gas within their district and the said parish of Warburton is also without a proper supply of gas and it is expedient that the Council should be authorised to supply gas within the said parish:

And whereas it is expedient that further powers should be conferred upon the Council in regard to the supply of gas and water within the limits prescribed by this Act:

And whereas it is expedient that the Council should be authorised to borrow money for the purposes of this Act and that further powers should be vested in the Council with respect to finance:

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

And whereas the following Acts have been adopted by the Council and are in force within the district (that is to say):—

The Public Health Acts Amendment Act 1890—Parts III. and IV.;

The Infectious Disease (Prevention) Act 1890;

The Private Street Works Act 1892:

And whereas estimates have been prepared by the Council A.D. 1913.  
 for the purposes hereinafter mentioned and such estimates are  
 as follows:—

For the extension and improvement of the	£
waterworks of the Council - - - -	10,000
For the extension and improvement of the	
gasworks of the Council - - - -	20,000 :

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

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

And whereas an absolute majority of the whole number  
 of the Council at a meeting held on the thirteenth day of  
 November one thousand nine hundred and twelve after ten  
 clear days' notice by public advertisement of such meeting and  
 of the purpose thereof in the *Altrincham Bowdon and Hale*  
*Guardian* a local newspaper circulating in the district such  
 notice being in addition to the ordinary notices required for  
 summoning such meeting resolved that the expense in relation  
 to promoting the Bill for this Act should be charged on the  
 district fund and general district rate :

And whereas such resolution was published twice in the  
*Altrincham Bowdon and Hale Guardian* and has received the  
 approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for  
 this Act was confirmed by an absolute majority of the whole  
 number of the Council at a further special meeting held in  
 pursuance of a similar notice on the eighth day of January  
 one thousand nine hundred and thirteen being not less than  
 fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for  
 this Act the requirements contained in the First Schedule to  
 the *Borough Funds Act 1903* 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 (that is to say):—

[Ch. xxxi.]      *Lymm Urban District Council*    [3 & 4 GEO. 5.]  
*Act, 1913.*

A.D. 1913.

PART I.

PRELIMINARY.

Short title.      1. This Act may be cited as the Lymm Urban District Council Act 1913.

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

Part I.—Preliminary.

Part II.—Transfer of the Undertaking of the Lymm Water Company and Acquisition of Lands of the Lymm Estate Development Company Limited.

Part III.—Supply of Water.

Part IV.—Supply of Gas.

Part V.—Financial.

Part VI.—Miscellaneous.

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

(1) The Waterworks Clauses Act 1847 (except sections 75 to 82 with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts) but that Act shall be read and have effect as if the words “with the consent in writing” of the owner or reputed owner of any such house “or of the agent of such owner” were omitted from section 44 (Undertakers to lay down communication pipes on request of occupier and with consent of owners) thereof;

(2) The Waterworks Clauses Act 1863;

(3) The Gasworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the Undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipts and expenditure of the Undertakers and sections 38 43 and 47) Provided that section 13

thereof shall be read as if the words "or any premises" were inserted after the words "private building"; A.D. 1913.

(4) The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof); and

(5) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845).

4. In this Act 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 have the same respective meanings unless there be something in the subject or context repugnant to such construction And for the purposes of this Act the following expressions shall also have the following respective meanings (that is to say):— Interpretation.

"The district" means the urban district of Lymm:

"The Council" means the urban district council of the district:

"The water company" means the Lymm Water Company:

"The estate company" means the Lymm Estate Development Company Limited:

"The clerk" and "the surveyor" mean respectively the clerk and the surveyor of the district and respectively include any person duly authorised to discharge temporarily the duties of those officers:

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district:

"The water limits" means the limits within which the Council are authorised by this Act to supply water:

"The gas limits" means the limits within which the Council are authorised by the Lymm Local Board (Gas) Act Act 1872 and by this Act to supply gas:

"The scheduled agreement" means the agreement dated the third day of December one thousand nine hundred and twelve and made between the water company of the first part the estate company of the second part and the Council of the third part as the same is set forth in the First Schedule to this Act:

[Ch. xxxi.] *Lymm Urban District Council* [3 & 4 GEO. 5.]  
Act, 1913.

A.D. 1913.

“The date of transfer” means the date upon which the undertaking of the water company is transferred to and vested in the Council and the lands rights and easements of the estate company are vested in the Council :

“The Act of 1872” means the Lymm Local Board (Gas) Act 1872 :

“The Act of 1874” means the Lymm Water Act 1874 :

“The Order of 1905” means the Lymm Gas Order 1905 confirmed by the Local Government Board’s Provisional Orders Confirmation (No. 7) Act 1905 :

“The undertaking of the water company” means and includes all the waterworks wells pumping stations water towers mains pipes machinery lands buildings and plant and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the water company at the date of the transfer of the undertaking of the water company to the Council and all stores stock tools furniture registers books accounts maps or plans and all other documents relating to the undertaking of the water company except the books and papers relating exclusively to the shareholders in and the members and constitution of the water company :

“The water undertaking” means the water undertaking of the Council under this Act :

“The gas undertaking” means the gas undertaking of the Council under the Act of 1872 and this Act :

“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 Council :

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on



loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed: A.D. 1913.

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

## PART II.

### TRANSFER OF THE UNDERTAKING OF THE LYMM WATER COMPANY AND ACQUISITION OF LANDS OF THE LYMM ESTATE DEVELOPMENT COMPANY LIMITED.

5. The scheduled agreement is hereby confirmed and may and shall be carried into effect according to the tenor thereof save and except that the several properties thereby agreed to be purchased by the Council from the estate company shall be vested in the Council in manner by this Act provided instead of by conveyance as in the said agreement specified. Confirmation  
of scheduled  
agreement.

6.—(1) On payment by the Council of the purchase money and all other moneys payable on completion under the scheduled agreement the undertaking of the water company and the several properties which are by the said agreement to be purchased by the Council from the estate company shall by virtue of this Act be vested in the Council for the same estate and subject to the same exceptions reservations covenants conditions and stipulations as are in the said agreement provided for in the case of the vesting of the said undertaking and properties in the Council by conveyance. Vesting of  
undertaking  
of water  
company and  
of purchased  
properties in  
Council.

(2) The production of a King's printer's copy of this Act duly stamped together with a receipt for the purchase money

A.D. 1913. and other moneys (if any) to be signed by two directors of the water company and by two directors of the estate company or by the cashier of the Bank of England shall (unless it be proved that the purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking of the water company and of the said several properties before mentioned.

(3) If from any cause the Council are unable to obtain the receipt in writing of two directors of the water company and of two directors of the estate company for any money to be paid to them under the scheduled agreement the Council may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said Bank for the money which shall have the same effect as the receipt of two directors of the water company and of two directors of the estate company or either of them.

Contracts  
with water  
company to  
be binding  
on Council.

7. Subject to the provisions of this Act all agreements conveyances contracts deeds and other instruments entered into or made with or by the water company and in force at the date of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Council and may be enforced as fully and effectually as if instead of the water company the Council had been a party thereto.

Books &c.  
to remain  
evidence.

8. 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 water company shall after the transfer be admitted in evidence in respect of the same or the like matter for or against the Council.

Actions &c.  
not to abate  
and penalties  
to be re-  
coverable.

9. No action suit prosecution arbitration or proceeding whatsoever commenced and no cause of action suit or arbitration prosecution or proceeding pending or existing either by or against the water company shall abate or be discontinued or prejudicially affected by reason of the transfer to and vesting in the Council of the undertaking of the water company but the same shall continue and take effect either in favour of or against the water company in the same manner in all respects as the same would have continued and taken effect in relation



to the water company if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any regulations of the water company previously to the date of transfer may be sued for and all offences committed against such provisions previously to the date of transfer may be prosecuted in such or the like manner to all intents and purposes as such penalties might have been sued for or such offence prosecuted if the transfer had not taken place and all rents rates and moneys payable to the water company prior to the date of transfer may be sued for and recovered by the water company in the same manner in all respects as the same might have been sued for and recovered if this Act had not been passed.

A.D. 1913.

10.—(1) From and after the date of transfer the water company shall subsist only for the purpose of paying their debts and liabilities and of receiving and recovering the sums payable to the water company as provided by this Act and distributing the same and the purchase money and any other moneys payable to the water company in accordance with the provisions of this Act and for winding up the affairs of the water company and carrying into effect the purposes of this Act so far as they relate to the water company and the directors of the water company who are in office at the date of transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the water company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section.

Purposes for which water company to continue incorporated Winding-up of water company.

If the number of directors of the water company be reduced by death resignation or otherwise below three before the completion of such winding up the continuing directors shall from time to time choose a shareholder or shareholders of the water company to fill the vacancy or vacancies so caused.

(2) Forthwith after the date of transfer the directors of the water company shall proceed to wind up the affairs of the company and after payment of the debts and liabilities of the water company and of all costs charges and expenses properly incurred in the winding-up including the remuneration of the directors shall pay and distribute their net moneys to and among the several persons who at the date of transfer are the registered

A.D. 1913. holders of stock or shares in the capital of the water company or their respective executors administrators and assigns rateably in proportion to their holdings and for the purpose of such distribution the several persons whose names shall appear in the books of the water company at the date of transfer to be the proprietors of stock or shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be stockholders or shareholders of the water company and the receipt in writing of such persons or of their executors or administrators or of the committee of the estate or guardian of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the water company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the stock shares or interest in respect whereof the money is paid.

(3) When the directors of the water company are for six months after the date of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same they may pay the same into the High Court or if not exceeding five hundred pounds into the county court of Lancashire holden at Warrington under any Act for the time being in force for the relief of trustees and every such payment shall effectually discharge the water company and the directors thereof from all further liability with respect to the money so paid in.

(4) After the date of transfer and until the water company shall be finally wound up and dissolved the water company shall be entitled to retain the directors' minute books the register of stockholders and shareholders and other books relating solely to the holders of stock or shares in and to the constitution of the water company and shall have access at all reasonable times to the other books documents and accounts relating to the transferred undertaking for the purpose of making up the accounts of the water company to the date of transfer and for all other reasonable purposes in relation to the winding-up of the water company and upon the winding-up of the water company the said books retained by them shall be handed to the Council.

(5) The Council shall from time to time whenever required by the directors at their own cost furnish to the directors such evidence as they may severally require of the due payment of the debts and liabilities of the water company against which

the Council have agreed to indemnify the company under the A.D. 1913.  
scheduled agreement.

(6) When not herein otherwise provided for the winding-up shall be carried out in the same manner as if the water company were incorporated under the Companies (Consolidation) Act 1908 and was in voluntary liquidation but the provisions of sections 188, 194 (2) and 195 of that Act as to the holding of meetings or otherwise shall have no application. For the purpose of performing their duties in the winding-up the directors shall have the powers of a voluntary liquidator appointed under that Act including power to apply to the High Court for the determination of any question which may arise in the winding-up and such of the directors as are not members of the Council shall be entitled to the same remuneration as they were respectively entitled to at the date of transfer.

(7) Upon the completion of the winding-up the water company shall by virtue of this Act be finally dissolved.

11. The Act of 1874 save such provisions thereof as are set out in the Second Schedule to this Act and subject as in this section hereinafter provided shall as from the date of transfer be repealed except so far as may be necessary to give effect to the provisions of the section of this Act the marginal note of which is "Purposes for which water company to continue incorporated Winding-up of water company" and the said provisions of the said Act not repealed shall apply in favour of or against the Council in all respects as fully as they would have applied in favour of or against the water company if this Act had not passed.

Repeal of  
Act of 1874.

### PART III.

#### SUPPLY OF WATER.

12. From and after the date of transfer the Council may maintain continue repair renew and alter the works comprised in the undertaking of the water company and may use the same for the purpose of supplying water in pursuance of this Act and the Act of 1874.

Maintenance  
of works of  
water com-  
pany after  
transfer.

13. The limits of this Act for the supply of water shall be the district and the parish of Warburton in the rural district of Bucklow in the county of Chester.

Limits for  
supply of  
water.

A.D. 1913.

Repeal of  
power of  
North Che-  
shire Water  
Company to  
supply water  
within  
limits.

14. So much of the North Cheshire Water Act 1864 as includes the said parish of Warburton within the limits of supply of that Act and as authorises the North Cheshire Water Company to supply water within the said parish of Warburton is hereby repealed and from and after the passing of this Act all the powers and obligations of the North Cheshire Water Company with reference to the supply of water within the said parish of Warburton shall cease and determine and this Act shall have as full validity and effect as though the said parish of Warburton had never been included within the limits within which the North Cheshire Water Company were by the North Cheshire Water Act 1864 authorised to supply water.

Rates for  
supply of  
water for  
domestic  
purposes.

15. The Council 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 rates not exceeding the rates per annum hereinafter specified (that is to say):—

Where the rateable value of the dwelling-house or part of a dwelling-house does not exceed seven pounds per annum the sum of twopence per week:

Where the rateable value exceeds seven pounds but does not exceed thirty pounds at a rate per annum not exceeding seven per centum of such rateable value:

Where the rateable value (except as hereinafter mentioned) exceeds thirty pounds at a rate per annum not exceeding six per centum of such rateable value:

Provided that all inns and hotels whether public or private to which the supply is laid on the rateable value of which exceeds five pounds shall be liable to a rate not exceeding seven and a half per centum of such rateable value whether the same exceeds thirty pounds or not.

Rates for  
waterclosets  
and private  
baths.

In addition to the rates and charges above specified the Council may charge for a supply of water to every watercloset beyond the first in any dwelling-house the sum of five shillings per annum and to the first bath the sum of ten shillings and to every bath beyond the first the sum of five shillings per annum. Such additional sums shall be paid quarterly in advance and be recoverable in all respects with and as the water rate.

A.D. 1913.

Provided also that the Council shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher value whereon a lower rate per centum per annum is chargeable.

For the purposes of this section the rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter within which the water rate becomes payable or if there is no such list in force by the last rate made for the relief of the poor.

Provided that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

**16.** When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables or premises where horses carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

Supply of  
water by  
hose pipe to  
stables &c.

**17.** Where a house supplied with water is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered by the Council from the occupier and if so recovered may 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 pay-  
able by  
owners of  
small houses.



A.D. 1913.

Council not bound to supply several houses by one pipe.

Notice of discontinuance.

**18.** The Council 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.

**19.** A notice to the Council 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 Council or be given by the consumer personally at the office of the Council.

Detection of waste.

**20.**—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the road or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus.

(2) Provided that the Council shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Supply by measure.

**21.** The Council may supply water for other than domestic purposes on such terms and conditions as the Council 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 to houses partly used for trade &c.

**22.** The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.



**23.** The price to be charged for a supply of water by measure shall not exceed two shillings per thousand gallons. A.D. 1913.

Price of supply  
by measure.

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

Register of  
meter to be  
*primâ facie*  
evidence.

**25.**—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of 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.

Byelaws for  
preventing  
waste &c. of  
water.

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

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

**26.** The Council 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.

A.D. 1913.

Power to  
supply water  
fittings.

**27.—**(1) The Council 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 work necessary or proper in that behalf and the reasonable charges of the Council 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 Council as the actual owners thereof.

Provided as follows:—

- (A) The Council 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) Every sum charged by the Council in respect of provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note delivered by the Council to the consumer:
- (C) The total sums expended and received by the Council 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 water undertaking of the Council for such year.

**28.** Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council 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 due superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

A.D. 1913.  
Notice to  
Council of  
connecting  
or discon-  
necting  
meters.

**29.** 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 Council 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 Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained:

Injuring  
meters &c.

And 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 Council 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 Council the Council may also 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 of the quantity of water supplied by means thereof and the expenses of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer

A.D. 1913. 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  
remove  
meters and  
fittings.

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

Power to  
lay pipes  
in private  
streets.

**31.** The Council may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if the street were a street within the meaning of those Acts.

Contracts  
for supply-  
ing water in  
bulk.

**32.** The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the water limits to any such authority company or persons 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 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 water limits Provided also that nothing in this section shall authorise the Council to lay any mains beyond the water limits.

Power to  
purchase  
water in  
bulk.

**33.** The Council may purchase water in bulk from any authority company or person having statutory authority to sell the same and may enter into and carry into effect agreements

for that purpose upon such terms and conditions as they may think fit and any water so purchased may be used by the Council for the purposes of supply under this Act but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the water limits. A.D. 1913.

**34.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 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. As to communication pipes.

(2) The Council 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 in the district execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

**35.** If it should appear to the Council that by reason of any injury to or defect in any communication pipe which is situate in a highway and which the Council are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council in executing such repairs shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. Power to Council to repair communication pipe.

**36.** When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor. Maintenance of common pipe.



A.D. 1913.

Power to  
purchase  
lands by  
agreement  
for water  
purposes.

**37.** The Council may for the purposes of their water undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may acquire under the powers of this Act as part of the undertaking of the water company any lands not exceeding in the whole five acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Persons  
under dis-  
ability may  
grant ease-  
ments &c.

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

For protection  
of London and  
North Western  
Railway Com-  
pany.

**39.** The provisions of section 7 (For protection of London and North Western Railway Company) of the Act of 1874 shall extend and apply to the water limits.

#### PART IV.

#### SUPPLY OF GAS.

Extension  
of gas limits.

**40.—(1)** The limits within which the Council may supply gas under the provisions of the Act of 1872 as amended by this Act shall be extended so as to include the parish of Warburton in the rural district of Bucklow in the county of Chester.

(2) The Council shall have and may exercise within the limits of supply as extended by this Act all and the like powers privileges and authorities for and in relation to the supply of gas and shall be subject to all and the like duties liabilities and obligations in respect thereof as they now have and may



exercise and are subject to within the limits of supply of the Council as defined by section 5 of the Act of 1872 and the provisions of that Act and this Act and of any Act incorporated herewith shall apply to all mains already laid down by the Council as well as to mains to be laid down by them under the authority of this Act. A.D. 1913.

**41.**—(1) The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon. Power to supply gas fittings.

(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 process of any court or proceedings in bankruptcy against the person in whose possession the same may be. Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

Provided as follows:—

(A) The Council 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 moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer:

(C) The total sums expended and received by the Council 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 gas undertaking for that year.

A.D. 1913.

Fittings  
though fixed  
to premises  
to remain  
property of  
Council.

**42.**—(1) Subject as hereinafter provided all engines stoves ranges pipes and other fittings let by the Council on hire under the provisions of this Act 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 such premises at all times continue to be the property of and removable by the Council Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such engines stoves ranges pipes and other fittings are or shall be fixed.

(2) The Council shall only be entitled to the privileges and exemptions conferred by this section in respect of such engines stoves ranges pipes and other fittings as shall 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 Council as the actual owners thereof.

Power to  
enter pre-  
mises and  
remove  
fittings.

**43.** The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Council by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Council shall not require to take a supply of gas from the Council or to hire from the Council all or any of the pipes meters fittings or apparatus belonging to the Council and let by them on hire to any former occupier of such premises.

Limit of  
price.

**44.** The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed five shillings per thousand cubic feet.

Charge for  
gas supplied  
by means of  
prepayment  
meters.

**45.**—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the gas limits through any other kind of meter or by any other method of supply.

(2) The Council shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied in manner aforesaid such sum to

include the hire of meter and the fittings used therewith or at the rate of one shilling per one thousand cubic feet if such fittings include a cooking stove. A.D. 1913.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the quantity of gas supplied through the prepayment meter and the maximum charge shall be at the rate of sixpence per one thousand cubic feet supplied in manner aforesaid or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Council in connection therewith.

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

46. The prescribed number of candles shall be not less than fourteen. Quality of gas.

47. For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Council on any part of their gasworks. Testing place.

48.—(1) The quality of the gas supplied by the Council shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of five cubic feet per hour a light equal in intensity to the light produced by fourteen sperm candles of six to the pound each consuming 120 grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871. Testing of quality of gas.

(2) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer the standard light shall be that supplied by Harcourt's ten-candle pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Council or any five consumers approve

A.D. 1913. the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing.

(3) The Council shall within six months after the passing of this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair.

Pressure.

**49.**—(1) All gas supplied by the Council to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of one inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer.

(2) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied. The Council shall afford to the examiner all reasonable facilities for making the test.

Saving as to penalties.

**50.** No penalty shall be incurred by the Council for insufficiency of pressure defect of illuminating power or excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by any circumstance beyond the control of the Council.

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

**51.** The Council may upon the application of the owner or occupier of any premises within the gas limits abutting on or being erected in any street or road laid out or made but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in this Act.

As to construction and placing of pipes &c. between mains and meters.

**52.** In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Council may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Council's mains and the meter so far

as such pipes and fittings are intended to be covered over : A.D. 1913.

- (2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time :
- (3) The specification shall be published twice in some newspaper (or once in each of two newspapers) circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Council :
- (4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building :
- (5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :
- (6) Any person to whom the Council refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.



A.D. 1913.

Council to  
pay interest  
on money  
deposited as  
security for  
gas meter.

**53.** If any person is required by the Council to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Council shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Period of  
error in de-  
fective  
meters.

**54.** In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act 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 Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Council.

Gas con-  
sumers to  
give notice  
to Council  
before re-  
moving.

**55.** At least twenty-four hours' notice shall be given to the Council by every gas consumer either personally at the office of the Council or in writing before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur. Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Council.

Power to  
refuse sup-  
ply to per-  
sons in debt  
for other  
premises.

**56.** If a person requiring a supply of gas from the Council has previously quitted premises at which gas was supplied to him by the Council without paying to them all gas charges and meter rent due from him to the Council they may refuse to furnish to him a supply of gas until he pays the same.

Notice to  
discontinue  
supply of  
gas.

**57.** A notice to the Council from a consumer for the discontinuance of a supply of gas 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 Council or be given by the consumer personally at the office of the Council.



**58.** Every consumer of gas supplied by the Council who uses a gas engine shall if required to do so by the Council use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping such anti-fluctuator in proper repair the Council may cease to supply gas to such consumer. The Council shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Council if the anti-fluctuator be found in proper order but otherwise at the expense of such consumer.

A.D. 1913.  
Power to require use of anti-fluctuators for gas engines.

**59.** The Council may lay down and repair take up alter or relay or renew mains pipes and culverts within the gas limits for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to lay down pipes for ancillary purposes.

**60.** Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand from the Council a supply or the continuance of a supply of gas for premises having a separate supply (that is to say a supply from an installation other than that of the Council) unless he shall have previously agreed to pay the Council such minimum annual sum as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum to be so paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Supply where gas consumer has separate supply.

**61.** The Council may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas charges not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding

Discounts.

A.D. 1913. in any case fifteen per centum Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment shall be endorsed on every demand note for gas charges.

Dwelling-houses for persons in employ of Council.

**62.** The Council may erect fit up maintain and let upon the lands for the time being belonging to or leased by them for the purposes of their gas undertaking dwelling-houses for persons employed by them for the purposes of that undertaking.

Council may contract with local authority &c. for supply in bulk.

**63.** The Council may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the gas limits for the supply to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the gas limits.

Repeal of certain sections of Act of 1872 and of Order of 1905.

**64.** The enactments mentioned in the Third Schedule to this Act are hereby repealed.

For protection of London and North Western Railway Company.

**65.** The provisions of section 20 (As to works affecting the London and North Western Railway Company) of the Act of 1872 shall apply to the gas limits.

## PART V.

### FINANCIAL.

Power to borrow.

**66.**—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(A) For the purchase of the undertaking of the water company and the properties of the estate company and for paying any sums payable by the Council to those companies under the agreement set forth in the First Schedule to this Act and for defraying the costs and expenses incident to such purchases and to the transfer of and vesting in the Council of such undertaking and properties (other than the costs of this Act) such sum or sums as may be necessary:

(B) For the extension and improvement of the water undertaking of the Council the sum of ten thousand pounds: A.D. 1913.

(c) For the extension and improvement of the gas undertaking of the Council the sum of twenty thousand pounds:

(D) For paying the costs and expenses of this Act the sum requisite for that purpose.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the securities hereinafter specified (that is to say):—

As regards purposes (A) in this section hereinbefore mentioned as to sixteen thousand two hundred and fifty pounds part of the sum of twenty thousand two hundred and fifty pounds payable to the water company and the estate company under the agreement set forth in the First Schedule to this Act and as to such proportion of any other moneys payable under the said agreement or of the costs and expenses aforesaid as shall be properly attributable to the waterworks undertaking (all of which moneys are in this Act hereinafter called “waterworks purchase moneys”) the revenue of the waterworks undertaking and the district fund and general district rate and as to four thousand pounds the remaining part of the said sum of twenty thousand two hundred and fifty pounds and of the said other moneys costs and expenses (all of which moneys are in this Act hereinafter called “estate purchase moneys”) the district fund and general district rate:

As regards purposes (B) in this section hereinbefore mentioned the revenue of the water undertaking and the district fund and general district rate:

As regards purposes (c) in this section hereinbefore mentioned the revenue of the gas undertaking and the district fund and general district rate:

And as regards purpose (D) in this section hereinbefore mentioned as to one-half thereof the revenue of the water undertaking and the district fund and general district

A.D. 1913.

rate and as to the other half thereof the revenue of the gas undertaking and the district fund and general district rate.

Provided that the provisions of this section shall not limit the powers conferred upon the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Power to borrow additional moneys with consent of Local Government Board.

**67.** The Council independently of any other borrowing power may from time to time with the sanction of the Local Government Board borrow at interest such further moneys as may be required for any of the purposes of the gas undertaking on the security of the revenue of the gas undertaking and the district fund and general district rate and for any of the purposes of the water undertaking on the security of the revenue of the water undertaking and the district fund and general district rate and for any other of the purposes of this Act on the security of the district fund and general district rate. Provided that the provisions of this section shall not limit the powers conferred upon the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Certain provisions of Public Health Act not to apply.

**68.** In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act shall not be reckoned and the power of the Council of borrowing and re-borrowing for the purposes of this Act shall not be in any way restricted by any of the provisions or regulations of the Public Health Acts.

Application of moneys borrowed.

**69.** All moneys borrowed by the Council under this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable. Provided that moneys which may 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 Council with the approval of the Local Government Board determine.

Mode of raising moneys.

**70.** The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others. Provided that the provisions

contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act. A.D. 1913.

**71.** The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply in the case of all mortgages granted by the Council under this Act as if they were with necessary modifications re-enacted in this Act. Provisions as to mortgages.

**72.—(1)** Any mortgagee of the Council 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: Appointment of 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 one thousand pounds in the whole.

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

**73.** A person lending money to the Council shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound 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 lenders from inquiry.

**74.** The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):— Periods for repayment of money borrowed.

As to moneys borrowed for the waterworks purchase moneys mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the date or dates of the borrowing of the same:

As to moneys borrowed for the estate purchase moneys in the said section mentioned within sixty years from the date or dates of the borrowing of the same:

As to moneys borrowed for the purposes (b) and (c) in the said section mentioned within forty years from the date or dates of the borrowing of the same:



A.D. 1913. As to moneys borrowed for the purpose (D) in the said section mentioned within five years from the date of the passing of this Act.

Mode of  
payment off  
of money  
borrowed.

**75.** The Council 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 if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking  
fund.

**76.—(1)** If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either—

(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

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum 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 be immediately invested in any statutory security the Council 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 Council towards the equal annual payments to the fund. A.D. 1913.

(4) The Council 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 Council 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 annual payments to the fund are based any deficiency shall be made good by the Council:

(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 annual payments to the fund are based any such excess may be applied towards such annual payments.

(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 Council in addition to the payments provided for by this Act.

(7) If it appears to the Council 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 accumulations thereon (in the case of an accumulating sinking fund) will probably 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 Council 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 Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct.

A.D. 1913.

(8) If the Council 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 accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council 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 Local Government Board 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 Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board 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 Council with the consent of the Local Government Board may determine.

Power to  
use sinking  
fund instead  
of borrow-  
ing.

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

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

raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein ; or

A.D. 1913.

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

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

- (A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund :

- (B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund :

- (c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

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

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

A.D. 1913.

Power to  
invest all  
sinking  
funds in  
statutory  
securities.

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

Power to  
reborrow.

79.—(1) The Council shall have power—

- (A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are not intended to be forthwith repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be 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 Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have the 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. A.D. 1913.

80.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

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

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

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

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

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



A.D. 1913.

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

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

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

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

Council not  
to regard  
trusts or  
bound to see  
to applica-  
tion of  
moneys.

**81.** The Council shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan borrowed given or issued 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 shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council 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 on their register and the Council shall not be bound to see to the application of the

money paid on any such receipt or be answerable or account- A.D. 1913.  
able for any loss misapplication or non-application of any such  
money.

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

Return re-  
specting  
sinking fund  
to Local  
Government  
Board.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order

A.D. 1913. direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Expenses of  
executing  
Act.

**83.** All expenses incurred by the Council 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 district fund or general district rate. Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they deem equitable.

Scheme  
for fixing  
equated  
periods.

**84.—(1)** The Council 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 make provision in regard to all matters incidental thereto.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board 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 powers of this Act. Provided that 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.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed 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 Council for their consent thereto and any moneys so borrowed

shall be repaid within such period as the Local Government Board may sanction. A.D. 1913.

(4) 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.

**85.** Unless the Local Government Board otherwise direct the Council shall apply all moneys received by them in respect of any sales exchanges or disposition of lands works or premises or any interest therein or by way of fine or premium on any lease of lands or premises made under the authority of this Act and any other moneys received by the Council on capital account under this Act in or towards paying off any moneys borrowed and for the time being owing by the Council under this Act to which such capital moneys would be properly applicable or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council on capital account Provided that such moneys received shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application  
of moneys  
arising from  
sale of lands.

**86.**—(1) The Council shall apply all money received by them in respect of their water undertaking (except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account) in manner and in the order following (that is to say):—

Application  
of revenue  
and defi-  
ciency of  
receipts in  
respect of  
water under-  
taking.

First In payment of the working and establishment expenses and cost of maintenance of the undertaking:

Secondly In payment of the interest on moneys borrowed for the purposes of the undertaking:

Thirdly In providing the requisite appropriations or instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking:

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking:

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof

A.D. 1913.

in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for the payment of the cost of renewing any part of the undertaking 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:

And the Council shall carry to the district fund so much of any balance remaining in any year of the money so received (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the water undertaking of the Council shall be made good out of the general district rate within twelve months after the deficiency is ascertained.

Application  
of revenue  
and defi-  
ciency of  
receipts in  
respect of  
gas under-  
taking.

**87.—**(1) The Council shall apply all money received by them in respect of their gas undertaking (except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account) in manner and in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking:

Secondly In payment of the interest on moneys borrowed for the purposes of the undertaking:

Thirdly In providing the requisite appropriations or instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking:



Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking: A.D. 1913.

Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the undertaking and so that if that 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:

And the Council shall carry to the district fund so much of any balance remaining in any year of the money so received (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the gas undertaking of the Council shall be made good out of the general district rate within twelve months after the deficiency is ascertained.

88.—(1) The Council shall keep the accounts in respect of their water undertaking and the accounts in respect of their gas undertaking separate from all other accounts distinguishing therein capital from revenue. Separate water and gas accounts to be kept and audited.

(2) Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

A.D. 1913.

Power to  
Council to  
subscribe to  
hospitals.

**89.** The provisions of section 131 (Power of local authority to provide hospitals) of the Public Health Act 1875 shall be extended so as to enable the Council to subscribe to any hospital infirmary nursing institution or other institution of a similar character any sum not exceeding in the whole twenty-one pounds per annum.

## PART VI.

### MISCELLANEOUS.

Powers as  
to pleasure  
grounds.

**90.** The Council may subject to the provisions of the scheduled agreement appropriate and use and lay out and maintain any lands acquired by them under that agreement and not required for the purposes of their water undertaking as public walks or pleasure grounds under the Public Health Acts and may erect provide and maintain in such public walks or pleasure grounds any shelters and seats which may be required or convenient for the public resorting thereto.

For pro-  
tection of  
Cheshire  
County  
Council.

**91.** In executing any works and exercising the powers by this Act authorised so far as they affect main roads and county bridges of the county palatine of Chester the following provisions for the protection of the county council of the said county palatine of Chester (in this section called "the county council") shall unless otherwise agreed in writing between the county council and the Council apply and have effect (that is to say):—

(1) The notices required by section 8 of the Gasworks Clauses Act 1847 and section 30 of the Waterworks Clauses Act 1847 incorporated with this Act (except in cases of emergency and for laying connecting or repairing consumers' service pipes in which cases as long notice as practicable shall be given) shall be not less than seven clear days instead of three clear days:

(2) Except in cases of emergency and except when the works consist of service pipes the plans required by section 9 of the Gasworks Clauses Act 1847 and section 31 of the Waterworks Clauses Act 1847 shall be accompanied in the case of a county bridge by a section and in the case of a main road by a description of the proposed works and shall be

delivered to the county council or their surveyor by the Council not less than fourteen days before the Council commence to open or break up any such bridge or main road : A.D. 1913.

- (3) The Council shall not in the construction or maintenance of the works by this Act authorised without the previous consent in writing of the County Council under the hand of their clerk raise lower or divert any main road nor shall the Council without such consent as aforesaid interfere with the structure of any county bridge or approach repairable by or under the control of the county council :
- (4) All mains pipes culverts or other works (not being service pipes) to be laid or constructed in along or across any main road or in upon or across any county bridge or approach shall so far as is reasonably practicable be constructed or laid in such position in or at the side thereof and if under the metalled portion thereof at such depth as the county council shall by writing under the hand of their surveyor reasonably direct :
- (5) All works shall be executed so as not to stop or unreasonably interfere with the traffic over or along any main road or county bridge or approach and the Council shall not without the consent of the county council under the hand of their surveyor open or break up at any one time a greater consecutive length of such road bridge and approach than one hundred yards nor shall such openings or breakings up be carried out where reasonably practicable without leaving a clear space of a quarter of a mile between consecutive openings or breakings up unless with the like consent Provided that such consent shall not be unreasonably withheld and if any difference of opinion shall arise between the Council and the county council as to whether any works proposed by the Council will unreasonably interfere with the traffic over or along any main road county bridge or approach or as to the withholding of any such consent as aforesaid such difference shall be referred to and determined by arbitration as hereinafter provided :

A.D. 1913.

(6) The Council shall during the progress of any works authorised by this Act take all necessary steps at their own expense for protecting the public using any main road or county bridge or approach from injury and shall be liable for and indemnify the county council against all damage that may be incurred consequent upon their neglect or omission to provide such protection and the Council shall also be liable for all damages that may be incurred by the county council consequent upon any defects in any of the mains pipes culverts or other works of the Council :

(7) In lieu of keeping such roads (other than main roads now or hereafter vested in or retained by the Council under the provisions of section 11 (2) of the Local Government Act 1888) and county bridges and approaches in repair as provided by section 10 of the Gasworks Clauses Act 1847 and section 32 of the Waterworks Clauses Act 1847 the Council shall repay to the county council all reasonable expenses of and incident to the maintenance and repair thereof for such period (not being more than twelve months from the proper reinstatement thereof) during which there shall be any subsidence in the surface thereof caused by such works :

(8) The Council shall on demand pay to the county council the reasonable costs which the county council may incur in the repair and reinstatement of so much of any main road including the roadway over any county bridge and approach in or upon which any mains pipes culverts or other works are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the said mains pipes culverts or other works or any part or parts thereof :

(9) The county council shall not be liable for or in respect of any injury which may be caused to any work of the Council executed hereafter by reason of such work being laid at a depth below the surface of any main road or the roadway over a county bridge or approach thereto insufficient for its protection from

injury from by or in consequence of the proper exercise of any of the powers or duties for the time being vested in or imposed upon the county council as a road or bridge authority and the use by the county council of a steam roller not exceeding fifteen tons in weight for the repair of any such road or bridge shall not be deemed to be an unreasonable exercise of such powers and duties: A.D. 1913.

- (10) Nothing in this Act contained shall in any way limit or affect the powers of the county council to divert improve alter widen or reconstruct any main road or to remove alter widen or rebuild any county bridge or approach in alongside or near to which such mains pipes culverts or other works are laid in the same manner as they might have diverted improved removed altered widened reconstructed or rebuilt any such main road county bridge or approach if this Act had not been passed and in the event of any such road bridge or approach in alongside or near to which the mains pipes culverts or other works are laid being diverted improved removed altered widened reconstructed or rebuilt as aforesaid the Council shall within such reasonable time as the surveyor of the county council may prescribe alter to such position as he may reasonably fix such mains pipes culverts or other works and replace the same to his reasonable satisfaction Provided that before such diversion improvement removal alteration widening reconstruction or rebuilding of any such main road county bridge or approach shall be commenced the county council shall (except in case of emergency) give twenty-one days notice in writing to the Council of their intention to carry out such works and if in order to avoid interruption to the supply by the Council of gas or water as the case may be it is in the opinion of such surveyor necessary to temporarily remove the mains pipes culverts or other works belonging to the Council from such bridge or main road then the Council shall (and they are hereby authorised so to do) at their own expense temporarily carry their mains pipes culverts or other works across such bridge or by the side of such main road in such



A.D. 1913.

manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council:

- (11) If any difference shall arise between the county council and the Council touching this section or anything to be done or not to be done thereunder or the giving or withholding of any consent or the conditions of giving the same or any direction such difference shall be settled by an engineer as arbitrator to be agreed upon between the county council and the Council or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and subject thereto the provisions of the Arbitration Act 1889 shall apply to such arbitration.

Power to  
hold licences  
under letters  
patent.

**92.** The Council may take hold and use patent rights and licences or authorities (not being exclusive) under any letters patent for the use of any invention relative to the manufacture of gas or of the residual products hereinbefore mentioned.

As to breach  
of conditions  
of consent of  
Council.

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

In executing  
works for  
owner Coun-  
cil not liable  
for damages  
save in case  
of negli-  
gence.

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

penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly. A.D. 1913.

**95.** The Council may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875. Expenses may be declared private improvement expenses.

**96.** Where under the provisions of this Act the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under this Act are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

**97.**—(1) The Council may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service. Power to grant gratuities in certain cases.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

**98.** Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in case of sale either in consideration of the execution of works or the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by or vested in them under Power to retain and sell lands.

A.D. 1913. the Act of 1872 or under this Act and may sell and exchange and dispose of any rents reserved on the sale lease or disposition of such lands 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.

Inquiries by  
Local Government  
Board.

**99.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board 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 that Board not exceeding three guineas a day for the services of such inspector.

Several  
sums in one  
summons.

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

Informations  
by whom to  
be laid.

**101.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Evidence  
of appointments and  
authority.

**102.** Where in any legal proceedings taken by or on behalf of the Council under this Act or under any general or local Acts for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be

prima facie evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. A.D. 1913.

**103.** In the case of any notice or demand under this Act requiring authentication by the Council the signature of the clerk or other fully authorised officer of the Council shall be sufficient authentication. Notices orders and any other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served. Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business. Authentication and service of notices &c.

**104.** 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 Council under the powers of this Act. Confirmation of byelaws.

**105.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. As to appeal.

**106.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs damages and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs damages 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. Recovery of penalties &c.

**107.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court Recovery of demands.

A.D. 1913. having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Damages  
and charges  
to be settled  
by justices.

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

Penalties to  
be paid over  
to treasurer.

**109.** All penalties recovered by the Council or any officer of the Council on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer and shall be carried by him to the credit of the district fund.

Determina-  
tion of com-  
pensation &c.

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

Persons act-  
ing in exe-  
cution of  
Act not to  
be personally  
liable.

**111.** No matter or thing done or contract entered into by the Council nor any matter or thing done by the clerk or by any member or officer of the Council or any person whosoever acting under the direction of the Council shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Council.

Saving for  
indictments.

**112.** 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 consequences 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.

Judges not  
disqualified.

**113.** A judge of any 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.



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

A.D. 1913.  
Powers of  
Act cumu-  
lative.

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

Crown  
rights.

**116.** The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the compliance with the requirements of the Borough Funds Acts 1872 and 1903 shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys to be borrowed by the Council under this Act.

Costs of  
Act.

A.D. 1913.      The SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

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AN AGREEMENT made the third day of December one thousand nine hundred and twelve between THE LYMM WATER COMPANY (hereinafter called "the Water Company") of the first part THE LYMM ESTATE DEVELOPMENT COMPANY LIMITED (hereinafter called "the Estate Company") of the second part and THE LYMM URBAN DISTRICT COUNCIL (hereinafter called "the Council") of the third part whereby it is agreed as follows:—

1. Subject as hereinafter provided the Water Company hereby agrees to sell and the Council agrees to purchase for the consideration hereinafter mentioned the undertaking of the Water Company including all lands taken or held by the Water Company as part thereof or in connection therewith and the well pumping station mains and water tower and works connected therewith specified in section 6 of the Lymm Water Act 1874 (37 & 38 Vict. c. xxix.) and all the plant and apparatus connected therewith and all stock tools mains pipes registers books accounts maps or plans and documents relating to the undertaking of the Water Company and the goodwill of such Company And also all that piece of land coloured brown upon the plan hereto annexed being the site of and land adjacent to the reservoir of the Water Company and containing in the whole one acre or thereabouts And also all that piece of land coloured purple on the said plan being the site of and land adjacent to a water tower of the Water Company containing two roods nine perches and eighteen yards or thereabouts Together with the water tower and other buildings thereon And also all other lands taken or held in connection with the undertaking of the Water Company and all assets whatsoever of the Water Company Together with all rights powers easements and privileges conferred upon the Water Company by the said Act but subject to all the debts and liabilities of the Water Company subsisting at the date fixed for completion and properly incurred after the thirty-first December one thousand nine hundred and twelve in carrying on the business of the Water Company.

2. Subject as hereinafter provided the Estate Company hereby agrees to sell and the Council agrees to purchase in fee simple— A.D. 1913.

(A) All that piece of land covered with water known as "the Lymm Lake" or Top Dam coloured blue upon the plan hereto annexed :

(B) All those pieces of land adjoining the said lake containing in the whole fourteen acres or thereabouts coloured green upon the said plan :

(c) All that piece of land known as "The Dingle" coloured yellow upon the said plan And also their estate and interest in all that piece of land coloured brown in the said plan being the site of and land adjacent to the reservoir of the Water Company and containing in the whole one acre or thereabouts And in all that piece of land coloured purple on the said plan being the site of and land adjacent to a water tower of the Water Company containing two roods nine perches and eighteen yards or thereabouts together with the water tower and other buildings thereon and Together with the right for the Council their servants workmen and others licensed by them to use the roadway between the points marked A and B upon the said plan for all purposes connected with the use and occupation of the land coloured purple upon the said plan the Council paying a reasonable proportion of the cost of maintaining and keeping in repair such roadway but except and reserving unto the Estate Company their successors and assigns the owners or occupiers for the time being of the land upon the westerly and southerly sides of the land coloured purple upon the said plan their undertenants and servants with or without horses or other animals carts carriages waggons or other vehicles laden or unladen to go and return along and over the roadway shown on the said plan between the points marked C and D Subject to the payment by the Estate Company of a reasonable proportion of the cost of maintaining and keeping in repair such roadway between the points C and D and by way of sale and not of exception Together with all rights easements appurtenances and privileges attaching to or used or enjoyed with the said lands or any of them or enjoyed or exercised by the Water Company under other lands of the Estate Company.

3. There shall be excepted from the said sale and reserved unto the Estate Company the free passage and running of water and soil coming from any other lands of the Estate Company or their tenants or assigns by and through the channels and drains now or that may

A.D. 1913. hereafter be constructed through over or under the said lands hereby contracted to be sold or any part thereof and the right at all times hereafter to enter upon the said lands for the purpose of constructing when necessary and under the supervision as to site and construction of the Council or its surveyor or repairing any such channels or drains as aforesaid doing as little damage as is reasonably possible and making good all damage done or occasioned by the exercise of such liberties as aforesaid.

4. The consideration for the said sale by both the Water Company and the Estate Company shall be paid to the Water Company and the Estate Company jointly and shall be the sum of twenty thousand two hundred and fifty pounds and also a further sum being equivalent to the amount properly standing to the credit of the profit and loss account of the Water Company on the thirty-first day of December one thousand nine hundred and twelve in addition to a sum being the estimated profits of the Water Company from the said thirty-first day of December one thousand nine hundred and twelve to the date fixed for the completion of the sale such estimated profits to be calculated upon the basis of the profits earned in the twelve months immediately preceding the said thirty-first day of December one thousand nine hundred and twelve.

5. The purchase shall be completed at the office of Messrs. Simpson North Harley & Co. at No. 1 Water Street Liverpool at the expiration of three months after the date of the Royal Assent to an Act confirming this agreement.

6. The Water Company shall from the day of the date hereof until the date fixed for completion carry on and manage their undertaking according to their usual course of business and shall uphold maintain and keep the works and property included in their undertaking in their present state and condition (reasonable wear and tear and accidents excepted) and shall continue to keep proper accounts and the Council shall be entitled in addition to the amount properly standing to the credit of the profit and loss account of the Water Company on the thirty-first day of December one thousand nine hundred and twelve to all water rents and profits received or made after the said thirty-first day of December one thousand nine hundred and twelve Provided always that the Water Company shall not without the previous consent in writing of the Council borrow money on mortgage or otherwise and shall not without the like consent contract make or enter into any new liability contract agreement or other obligation in respect of their undertaking except such as may be necessary in the ordinary course of the proper conduct of the affairs of the Company and with the intention of benefiting the undertaking.

A.D. 1913.

7. The Queen's Printers' copy of the Lymm Water Act 1874 having been already produced to the Council the Council shall without further investigation objection or requisition accept subject to the provisions of the next succeeding clause hereof such title as the Water Company has to the premises hereby agreed to be sold.

8. The abstract of title to the land specified in clauses 1 and 2 hereof shall be delivered within fourteen days after the passing of the Act hereinafter referred to Such title shall commence As to part of the said land with an indenture dated the twenty-fifth day of March one thousand eight hundred and fifty-four and made between Thomas Ridgway of the first part Isaac Ridgway of the second part Samuel Moores of the third part Samuel Amory of the fourth part and George Charnley Dewhurst of the fifth part As to other part of the said land with an indenture dated the twenty-eighth day of January one thousand eight hundred and fifty-six and made between James Barratt of the first part George Charnley Dewhurst of the second part and the said James Barratt of the third part As to other part of the said land with an indenture dated the twenty-seventh day of June one thousand eight hundred and fifty-four and made between James Barratt of the first part George Charnley Dewhurst of the second part and John Fitchett Marsh of the third part As to other part of the said land by an indenture dated the thirty-first day of October one thousand eight hundred and eighty-one and made between Henry Morgan Vane of the first part Peter Stubbs William Battersby William Philip Brabazon Thomas Potter Norris Thomas Grundy Richard Dutton and Thomas Joseph Ridgway of the second part and George Charnley Dewhurst of the third part And as to the remainder of the said land with an indenture dated the twelfth day of May one thousand eight hundred and fifty-seven and made between George Charnley Dewhurst of the first part James Barratt of the second part The Reverend Wilbraham Bootle Guest of the third part and The Governors of the Bounty of Queen Anne The Right Reverend Father in God John by Divine Permission Lord Bishop of Chester and Egerton Leigh of the fourth part.

9. Objections and requisitions shall be delivered within twenty-eight days from the date of delivery of the abstract.

10. The property hereby agreed to be sold is sold and will be conveyed subject to the following provisions and stipulations:—

- (A) That the land hereby agreed to be sold coloured green upon the said plan shall for ever hereafter be used for the purpose of a public park or recreation ground and that no building shall be erected thereon or upon any part thereof other than shelters for the public or for caretakers tool-houses boathouses bandstands conveniences or other like



A.D. 1913.

buildings incidental and conducive to the better enjoyment by the public of the said lands :

- (B) That there shall be reserved and excepted out of the sale hereby agreed to be made full and free right and liberty at all times hereafter for the Estate Company and its assigns owners from time to time of the adjoining land of the Estate Company hatched red upon the said plan and its and their lessees or tenants of any messuages or dwelling-houses which may at any time hereafter be erected on the said land hatched red on the said plan to have full access to the land adjoining the lake and coloured green through any gate or gates from time to time provided or opened by them on to the said land subject nevertheless to such byelaws and regulations as the Council may from time to time think fit to make for the regulation and management of the land coloured green on the said plan.

The conveyance to the Council shall contain proper provisions excepting and reserving the rights specified in paragraph (B) of this clause and proper covenants framed so as to bind the Council and its successors and assigns with the Estate Company and its assigns the owners lessees and tenants for the time being of the said land hatched red upon the said plan to perform and observe the stipulations mentioned in this clause and also a covenant by the Council and its assigns to indemnify the Water Company and its assigns against all the debts and liabilities of the Water Company subsisting at the date fixed for completion properly incurred after the thirty-first December one thousand nine hundred and twelve in carrying on the business of the Company.

11. The land specified in clause 2 hereof is sold subject to the existing tenancies and to all right and easements (if any) to which the same or any part thereof are subject.

12. The Water Company and the Estate Company shall in the conveyance to the Council enter into a covenant so drawn as to bind their respective successors and assigns with the Council and its assigns not to do or suffer any act or thing whereby the natural flow of water into the top and bottom dams shown on the plan shall or may be in any manner lessened or injuriously affected.

13. The Water Company shall on the date fixed for completion deliver to the Council all books deeds agreements counsels and engineers opinions and reports plans descriptions of works vouchers letters books and other records of the business and proceedings of the Water Company and originals or copies of all other documents drafts

or writings whether in the possession of the Water Company or of their solicitors agents resident engineer or consulting engineer. A.D. 1913.

14. If from any cause the sale and purchase shall not actually be completed on the date fixed for completion the Water Company shall as agents for and at the expense and risk of the Council carry on the undertaking until the sale and purchase shall be actually completed and the Council shall on or before the actual completion of the sale and purchase repay to the Water Company all money expended by them (with the approval of the Council) whilst acting as such agents and the Council shall pay to the Water Company and the Estate Company jointly interest at the rate of five per cent. per annum upon the purchase money from the date fixed for completion until the actual completion of the purchase if from any cause other than the neglect or default of the Water Company or the Estate Company the sale and purchase is not completed on the date fixed for completion.

15. After the sale and purchase shall have been actually completed the Water Company shall continue to subsist only for the purpose of winding up their affairs and they shall hold such part of the purchase money paid by the Council as belongs to them in trust out of the purchase money to pay the debts and liabilities payable by them and to distribute the balance of the purchase money amongst the shareholders and stockholders of the Water Company in a due course of distribution.

16. The property is sold subject to the public sale conditions of the Incorporated Law Society of Liverpool (a copy of which is annexed hereto) so far as they are applicable to a sale by private treaty and are not varied by or inconsistent with the provisions herein contained.

17. The sales hereby agreed to be made by each of them the Water Company and the Estate Company and the purchase by the Council are each and all conditional upon the completion of each and every sale hereby agreed to be made and neither of them the Water Company Estate Company or the Council shall be compelled to complete the sale or purchase (as the case may be) hereby agreed to be made by it unless the sale or purchase hereby agreed to be made by the other of them shall be also completed.

18. The Council shall promote and use its best endeavours to procure the passing in the next session of Parliament of a Bill with such clauses as may be necessary to carry this agreement into effect and the Water Company and the Estate Company shall aid and assist the Council in obtaining the passing into law of the said Bill and in furtherance of this object shall supply to the Council such information particulars and evidence in the possession of the Water Company or of any of their officers and servants as the Council may reasonably

A.D. 1913. — require and the Company by themselves their officers and servants shall support the Bill by evidence or otherwise if need be. Provided always that the cost of all such aid and assistance given by the Water Company as shall involve abstracts or copies of or extracts from plans books or accounts expense of travelling or giving evidence shall be borne and paid by the Council.

19. This agreement is subject to the approval of Parliament and to such alterations as may be made by Parliament therein and shall be scheduled to the said Bill but in the event of either House of Parliament making any material alteration in this agreement it shall be in the option of either party to withdraw the same.

20. If the said Bill be not passed by Parliament in the next session this agreement and every clause hereof shall be void and of no effect.

21. On and from the date on which the Royal Assent shall be given to the said Bill two members of the Council subject to the provisions of the Lymm Water Act shall be associated with the directors of the Water Company and shall be deemed in all respects and for all purposes (except as to remuneration) to be ex-officio members of the Board and entitled to take part in all its proceedings including the inspection of books and the verification of accounts and balances and from and after such date the clerk of the Council and persons authorised by him shall have access to the offices of the Water Company during office hours and may inspect the books papers records and writings of the Water Company and otherwise make themselves acquainted with the affairs of the Water Company preparatory to the taking over of the undertaking on the date fixed for completion and the Water Company shall direct their secretary and engineer to give to the said clerk of the Council such assistance and information relating to such affairs as he may require.

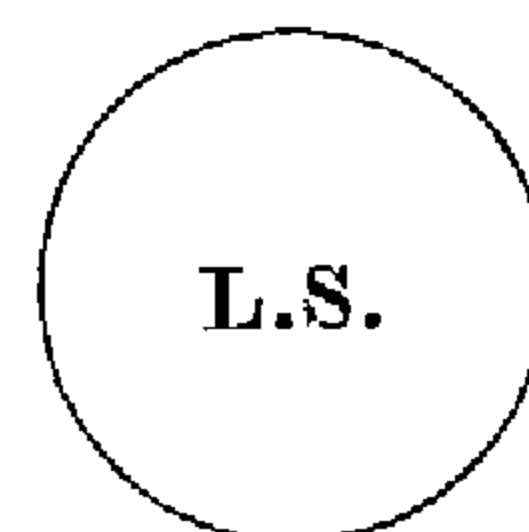
22. If any question difference or dispute shall arise with reference to this agreement or the construction thereof or as to anything herein contained or as to anything not fully herein provided for or as to the rights liabilities or duties of any party hereunder the same shall be referred to a barrister-at-law (to be agreed upon by the parties hereto) as arbitrator or failing agreement to a single arbitrator to be appointed by the Local Government Board and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to such reference and arbitration and to this agreement as if it were a submission to arbitration under that Act.

23. The Water Company the Estate Company and the Council shall each bear and pay their own costs charges and expenses in connection with the negotiation for the sales and purchases hereby agreed to be made and in connection with the preparation and execution of

this agreement and in connection with the carrying out and completion of the sales and purchases hereby agreed to be made. A.D. 1913.

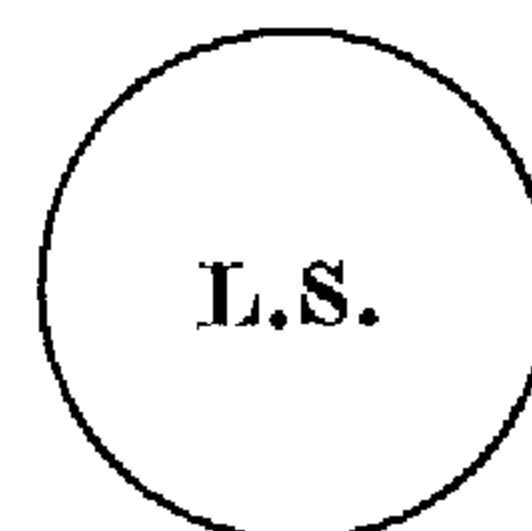
In witness whereof the Water Company the Estate Company and the Council have hereunto affixed their respective seals the day and year first before written.

The common seal of the Lymm Water Company was }  
 hereunto affixed in the presence of



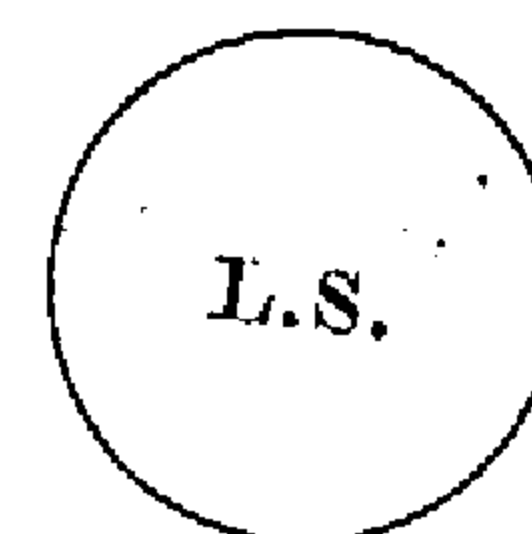
J. L. BUCHANAN }  
 J. K. GREENHALGH } Directors.  
 HERBERT G. RUSHTON Secretary.

The common seal of the Lymm Estate Development }  
 Company Limited was hereunto affixed in the }  
 presence of



JNO. GRAY }  
 JAS. L. FERGUSON } Directors.  
 HERBERT G. RUSHTON Secretary.

The common seal of the Lymm Urban District Council }  
 was hereunto affixed in the presence of



W. G. GROVES Chairman.  
 W. MULLARD Clerk.

## SECOND SCHEDULE.

### SECTIONS OF ACT OF 1874 EXCEPTED FROM REPEAL.

Section.	Marginal Note.
6	Power to make works according to deposited plans.
7	For protection of London and North Western Railway Company.
8	Execution of works affecting railways.
9	As to supply of existing well.
27	Limits of lateral deviation.
28	Limits of vertical deviation.
35	Supply of water under pressure.

A.D. 1913.

### THIRD SCHEDULE.

#### ENACTMENTS REPEALED.

Sections of the Act of 1872 as follows:—

Section 19—Power to lay pipes against buildings.

Section 21—Limiting charge for supply of gas.

Section 22—Quality of gas.

Section 23—Time and place of testing.

Section 24—Power to borrow money (save and except so far as the powers therein mentioned have been exercised at the date of the passing of this Act).

Section 29—Gasworks rates for expenses of carrying powers of Act into execution by local board.

Section 30—Gasworks rates may be collected with general district rates.

Section 37—Contract for supply of gas not to disqualify members of local board.

The Order of 1905.

### FOURTH SCHEDULE.

#### FORM OF MORTGAGE.

By virtue of the Lymm Urban District Council Act 1913 and in exercise of all other powers vested in us or enabling us in this behalf We the Lymm Urban District Council (hereinafter called "the Council") in consideration of the sum of \_\_\_\_\_ pounds paid to the treasurer of the Council by \_\_\_\_\_ (hereinafter called "the mortgagee") do grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ until the said sum of \_\_\_\_\_ pounds with interest thereon at the rate of \_\_\_\_\_ per centum per annum for the same shall be fully paid and satisfied (subject as hereinafter provided) And it is hereby declared that the said principal sum shall be repaid [ (subject as hereinafter provided) on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand nine hundred and \_\_\_\_\_ ] at the office of the treasurer of the Council



[3 & 4 GEO. 5.] *Lymm Urban District Council* [Ch. xxxi.]  
*Act, 1913.*

at Lymm in the county of Chester and that in the meantime interest shall be paid half-yearly on the                      day of                      and the                      day of                      in each year by cheque drawn on the bankers of the Council and sent by post to the mortgagee at [his] address as registered in the books of the Council the first payment of interest to be made on the                      day of                      one thousand nine hundred and                      : A.D. 1913.

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 of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman or vice-chairman and the clerk of the Council 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 Council have caused their common seal to be hereunto affixed this                      day of                      one thousand nine hundred and                      .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named                      consenting the within-mentioned time for repayment of the within-mentioned principal sum of                      is hereby extended to the                      day of                      one thousand nine hundred and                      [and the interest to be paid thereon on and from the                      day of                      one thousand nine hundred and                      is hereby declared to be at the rate of                      per centum per annum].

Dated this                      day of                      one thousand nine hundred and                      .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named]                      [of                      ] in consideration of the sum of                      pounds paid to me by                      of                      (hereinafter called "the transferee") do hereby transfer to the transferee his executors administrators and assigns [the within-written security] [a certain mortgage number                      bearing date the day of                      one thousand nine hundred and                      ]

A.D. 1913. and made by the Lymm Urban District Council under the Lymm Urban District Council Act 1913 and other Acts for securing the sum of \_\_\_\_\_ pounds and interest thereon at \_\_\_\_\_ per centum per annum] and all my right estate and interest in and to the money thereby secured and in and to the rates thereby assigned To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof And the transferee for himself his executors administrators and assigns doth hereby agree to accept and take the said mortgage subject to the conditions aforesaid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one  
thousand nine hundred and \_\_\_\_\_

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FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

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