



## CHAPTER xxxii.

An Act to transfer to and vest in the Swanage Urban District Council the water undertaking of the Swanage Gas and Water Company to authorise the council to supply water within the urban district of Swanage and the parish of Langton Matravers and for other purposes. A.D. 1913.  
[15th August 1913.]

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

And whereas by the Swanage Gas and Water Act 1901 (in this Act referred to as "the Act of 1901") the Swanage Gas and Water Company (in this Act referred to as "the company") were incorporated and were thereby empowered (inter alia) to supply water in the urban district of Swanage and the parish of Langton Matravers in the county of Dorset:

And whereas by the Act of 1901 it was provided that the capital of the company in respect of their water undertaking should be forty-six thousand pounds which capital is divided into seventeen thousand four hundred pounds original water capital (bearing interest as to five thousand seven hundred pounds thereof at the rate of ten pounds per centum per annum and as to eleven thousand seven hundred pounds thereof at the rate of seven pounds per centum per annum) and twenty-eight thousand six hundred pounds additional water capital by the said Act authorised to be raised (whereof not more than one half may be raised as preference shares or stock) of which the

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A.D. 1913. company have raised thirteen thousand nine hundred pounds four and a half per centum preference stock:

And whereas the full dividends on the said original water capital have never been paid by the company and no dividends thereon have been paid since the year one thousand nine hundred and seven and consequently the company have been unable to raise any portion of the additional water capital authorised by the Act of 1901 to be raised as ordinary capital:

And whereas the company were authorised to borrow any sums not exceeding in the whole one-fourth part of the amount of the original water capital of seventeen thousand four hundred pounds and one-third part of the amount of the additional capital by the said Act authorised and at the time actually issued by shares or stock:

And whereas by the Swanage Gas and Water Act 1912 (in this Act called "the Act of 1912") the company were authorised to raise additional water capital not exceeding in the whole thirty-nine thousand pounds with power to borrow on mortgage of the undertaking a further sum of thirteen thousand pounds:

And whereas by the Act of 1912 the company were authorised to construct the further works in that Act described for the improvement of and increase in the supply of water in their limits of supply for water:

And whereas by section 32 (Provisions as to purchase of water undertaking by Swanage Urban District Council) of the Act of 1912 it was provided as follows:—

"(1) If the Council shall introduce in the next available  
" session of Parliament a Bill for an Act to em-  
" power them to purchase the water undertaking  
" of the company and shall bonâ fide promote the  
" same the company shall not oppose such Bill  
" except in so far as may be necessary in order  
" to secure the insertion therein of clauses or  
" provisions to protect their interests with respect  
" to such purchase and for that purpose the com-  
" pany shall be at liberty to petition either or both  
" Houses of Parliament and to appear upon such  
" petition by counsel agents and witnesses if they  
" think fit:

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“(2) If such Bill receives the Royal Assent nothing in this  
“ Act shall authorise the company for the purpose  
“ of the determination of the purchase price to be  
“ paid for the said water undertaking to bring  
“ into account or to make any claim in respect of  
“ any powers rights or advantages conferred on them  
“ by or resulting from the passing of this Act or  
“ to bring into account or make any claim in  
“ respect of expenditure made or to be made upon  
“ the construction of Well No. 1 or Well No. 4  
“ and the lands buildings machinery plant and  
“ apparatus connected therewith :

“(3) If the Council obtain such an Act they shall give to  
“ the company a written notice within three months  
“ after the passing of such Act of their intention  
“ to purchase and thereupon the company shall  
“ sell and transfer and the Council shall purchase  
“ and acquire the water undertaking of the com-  
“ pany subject to all their then existing obligations  
“ and liabilities :

“(4) Any such sale and purchase shall be for such price  
“ and consideration being a sum in gross and on  
“ such terms and conditions as may be agreed  
“ upon between the company and the Council or  
“ as failing such agreement shall be determined by  
“ arbitration in accordance with the provisions of  
“ the Lands Clauses Acts with reference to the  
“ purchase and taking of lands otherwise than by  
“ agreement and in the construction of the said  
“ provisions the expression ‘the promoters of the  
“ undertaking’ shall mean the Council and the  
“ expression ‘lands’ shall mean the water under-  
“ taking of the company :

“(5) In addition to the sum to be paid by the Council to  
“ the company under the foregoing provisions of this  
“ section the Council shall pay to the company—

“ (A) All the costs charges and expenses in-  
“ curred by the company preliminary to and of  
“ and incident to the promotion of and obtaining  
“ this Act so far as it relates to the water under-  
“ taking of the company ; and

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“(B) All the costs charges and expenses incurred by the company relating to the transfer of the water undertaking of the company and to the winding up of that undertaking ;

“ all such costs charges and expenses to be taxed as between solicitor and client if so required on the application of either party the costs charges and expenses (A) by the taxing officer of the House of Lords or of the House of Commons and the costs charges and expenses (B) by a taxing master of the Supreme Court;

“(c) The actual amount expended by the company on capital account in carrying on their undertaking under and as provided by sub-section (7) of this section :

“(6) The Council shall also pay compensation to any officers and servants in the regular employment of the company in respect of their water undertaking who shall not be retained by the Council in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the company on the first day of January one thousand nine hundred and twelve in respect of any loss of office or diminution of salary or income by reason of the transfer of the water undertaking of the company to the Council the amount of such compensation in default of agreement to be determined by arbitration and no officer or servant who has been in the employment of the company for not less than ten years shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Council :

“(7) The company shall not except with the consent of the Council, raise any of the additional capital authorised by this Act previously to the twentieth day of November one thousand nine hundred and twelve and if the Council shall give notice of such Bill as aforesaid in October or November

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“ one thousand nine hundred and twelve the A.D. 1913.  
“ company shall not except with such consent as  
“ aforesaid raise any of such capital during the  
“ promotion of such Bill but the company may  
“ carry on their undertaking as heretofore in the  
“ ordinary course of their business :

“(8) For the purposes of this section the expression ‘ the  
“ water undertaking of the company ’ includes  
“ all the waterworks engines mains pipes and  
“ machinery lands and buildings plant fixed and  
“ movable and all other the real and personal  
“ property and all the rights powers and privileges  
“ vested in, or belonging to or had or enjoyed  
“ by the company exclusively for the purposes  
“ of or in respect of their undertaking for the  
“ supply of water at the date of transfer of  
“ such undertaking to the Council save and  
“ except—

“(A) Well No. 1 and Well No. 4 and the  
“ lands buildings machinery plant and apparatus  
“ connected therewith ;

“(B) The cash balances (other than consumers’  
“ deposits) in the company’s hands or those  
“ of their bankers or agents securities for money  
“ and all sums standing to the credit of their  
“ reserve fund and all undivided profits (all  
“ of which shall be retained by the company)  
“ and also except movable stock in trade coal  
“ and other stores applicable to the water under-  
“ taking of the company which shall be pur-  
“ chased by the Council by valuation at the  
“ date of transfer ; and

“(c) All the rents and profits and all book  
“ and other debts received by or due to the  
“ company on credit or revenue account and all  
“ rates accrued due on the date of transfer and  
“ the directors’ minute books and other books  
“ and papers relating exclusively to the stock-  
“ holders in and the members and constitution  
“ of the company :

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“(9) As and from the date of transfer of the water  
“ undertaking to the Council the name of the  
“ company instead of being the Swanage Gas and  
“ Water Company shall be ‘The Swanage Gas  
“ Company’ and for that purpose Part IV.  
“ (relating to change of name) of the Companies  
“ Clauses Act 1863 is incorporated with this  
“ subsection”:

And whereas it is expedient that the control of the water supply of the district be placed in the hands of the Council and that the water undertaking of the company be transferred to and vested in the Council in manner provided by this Act and the Council be authorised to supply water within the limits defined by this Act:

And whereas it is expedient that the Council be empowered to maintain and improve the existing waterworks of the company and to construct the additional waterworks authorised by the Act of 1912:

And whereas it is expedient that the Council be enabled to raise moneys for the purposes of this Act:

And whereas it is expedient that such other provisions as are contained in this Act be made in regard to the supply of water by the Council:

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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):—

PRELIMINARY.

Short title.

1. This Act may be cited as the Swanage Urban District Water Act 1913.



2. 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):—

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Incorporation of Acts.

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847; .

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 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:

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

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith 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 expressions “the undertakers” and “the promoters of the undertaking” in the said Acts mean respectively “the Council” And in this Act—

Interpretation.

“The district fund” and “the general district rate” mean respectively the district fund and the general district rate of the urban district of Swanage;

“The limits of supply” means the limits within which the Council are authorised by this Act to supply water;

“The water undertaking of the company” means all the waterworks engines mains pipes and machinery lands and buildings plant fixed and movable and all other the real and personal property as the same respectively shall exist on the date of the transfer as hereinafter mentioned and all the rights powers and privileges vested in or belonging to or had or enjoyed by the company exclusively for the purposes of or in respect

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of their undertaking for the supply of water subsisting on the date of the transfer save and except—

(A) The well known as Well No. 1 and the well known as Well No. 4 and the lands buildings machinery plant and apparatus connected therewith;

(B) The cash balances (other than consumers' deposits) in the company's hands or those of their bankers or agents securities for money and all sums standing to the credit of their reserve fund and all undivided profits (all of which shall be retained by the company) and also except movable stock in trade coal and other stores applicable to the water undertaking of the company; and

(c) All the rents and profits and all book and other debts received by or due to the company on credit or revenue account and all rates accrued due on the date of the transfer and the directors' minute books and other books and papers relating exclusively to the stockholders in and the members and constitution of the company;

"The water undertaking" means the undertaking acquired and established by the Council by virtue of this Act and all extensions thereof;

"The transfer" means the transfer to and vesting in the Council of the water undertaking of the company by virtue of this Act;

"Daily penalty" means a penalty for each day on which any offence is continued after conviction thereof;

"Fittings" include pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus used in connection with a supply of water;

"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 ;

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“The Act of 1901” means the Swanage Gas and Water Act 1901 ;

“The Act of 1912” means the Swanage Gas and Water Act 1912.

4. The limits of this Act shall be the parish and urban district of Swanage and the parish of Langton Matravers which limits are situate in the county of Dorset.

Limits of  
Act.

#### PURCHASE OF THE COMPANY'S UNDERTAKING.

5.—(1) The company shall sell to the Council and the Council shall purchase the water undertaking of the company for such price being a sum in gross and on such terms and conditions as may be agreed upon between the company and the Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression “the promoters of the undertaking” shall mean the Council and the expression “lands” shall mean the water undertaking of the company.

Company  
to sell their  
undertaking  
to Council.

(2) Within three months after the passing of this Act the Council shall serve upon the company notice in writing of their intention to purchase the water undertaking of the company.

(3) The Council shall pay the purchase money to the company on such day as may be agreed between the Council and the company or failing agreement on the twenty-fourth day of March the twenty-third day of June the twenty-eighth day of September or the twenty-fourth day of December which shall first happen after the expiration of two months from the determination of the amount of the purchase money (which day is in this Act referred to as “the date of the transfer”) and upon such payment the water undertaking of the company shall by virtue of this Act become and shall from thenceforth be transferred to and vested in the Council free from all charges debts and liabilities upon or affecting the same.

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(4) In addition to the sum to be paid by the Council to the company under the foregoing provisions of this section the Council shall pay to the company—

(A) All the costs charges and expenses incurred by the company preliminary to and of and incident to the promotion of and obtaining the Act of 1912 so far as it relates to the water undertaking of the company and the costs charges and expenses incurred by the company of and incident to obtaining clauses and amendments for their protection in the Bill for this Act; and

(B) All the costs charges and expenses incurred by the company relating to the transfer of the water undertaking of the company and to the winding up of that undertaking;

All such costs charges and expenses shall be taxed as between solicitor and client if so required on the application of either party the costs charges and expenses (A) by the taxing officer of the House of Lords or of the House of Commons and the costs charges and expenses (B) by a taxing master of the Supreme Court;

(c) The actual amount expended by the company on capital account in carrying on the water undertaking of the company under and as provided by subsection (7) of section 32 of the Act of 1912 and such amount shall in the event of difference be determined by the arbitrators or umpire appointed in pursuance of the provisions of this section.

(5) The production of a King's printers' copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the 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 water undertaking of the company.

Council  
to purchase  
movable  
stores of  
company.

6. The Council shall take over all movable stock in trade coal and other stores applicable to the water undertaking of the company subsisting at the date of the transfer and belonging to the company and applicable to the water undertaking at

such price failing agreement as may be settled by a valuer to be agreed upon between the parties or failing agreement to be nominated by the President of the Institution of Civil Engineers upon the application of either party and the decision of such valuer as to what is comprised in such stock in trade coal and other stores shall be final and conclusive. A.D. 1913.

7. The receipt in writing of three directors of the company for any money paid to the company by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof. Provided that if from any cause the Council are unable to obtain such receipt from the company they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of 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 the directors of the company. Receipt for purchase money.

8. The Council shall pay compensation to any officers and servants in the regular employment of the company in respect of the water undertaking of the company who shall not be retained by the Council in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the company on the first day of January one thousand nine hundred and twelve in respect of any loss of office or diminution of salary or income by reason of the transfer of the water undertaking of the company to the Council the amount of such compensation in default of agreement to be determined by arbitration and no officer or servant who has been in the employment of the company for not less than ten years shall lose his right to compensation as aforesaid by reason of his declining to continue in the service of the Council. Compensation to officers.

9. The company shall forthwith after the transfer pay and discharge their debts and liabilities in respect of mortgages debentures debenture stock and money borrowed and interest accrued due thereon and the debts outgoings and liabilities of every kind up to the date of the transfer including interest on Company to discharge debts &c. up to date of transfer.

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A.D. 1913. their mortgage debt and liabilities in respect of causes of action then existing and shall indemnify the Council against the same and the company shall be entitled to all water meter and other rents or rates and other receipts on revenue account from their water undertaking up to and including that day and where necessary for the purpose of giving effect to this section such outgoings rents rates and receipts shall be apportioned between the company and the Council Provided that where any such rents rates or other payments have been paid in advance to the company so much of them as is attributable to any period after the date of the transfer shall be paid over to the Council by the company.

Maintenance  
of water  
undertaking  
by company  
until trans-  
fer.

10. Until the transfer the company shall maintain and carry on the water undertaking of the company as heretofore in the ordinary course of business but they shall not without the previous consent in writing of the Council under the hand of their clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works or the proper conduct of the water undertaking.

Recovery of  
water rates  
&c.

11. All water rates meter rents and sums of money which may be due or accruing to the company upon the date of the transfer shall be payable to and may be collected and recovered by the Council on behalf of the company in like manner as if they had become payable for the like matters supplied or done under this Act.

Pending  
actions  
against  
company.

12. If at the date of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against the company in respect of the water undertaking of the company the same shall not abate or be discontinued or in anywise be prejudicially affected by reason of the transfer of the water undertaking or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Council as and when it might have been continued prosecuted and enforced by or against or in favour of the company if this Act had not been passed.

Contracts  
&c. of com-  
pany to be  
binding on  
Council.

13. Except as by this Act otherwise provided all conveyances leases deeds contracts agreements and other instruments relating to the water undertaking or affecting the company in respect of the water undertaking and in force at the date of

the 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 company the Council had been a party thereto Provided that as between the company and the Council the provisions of this section and the last preceding section of this Act shall not relieve the company from any payment or liability which under the section of this Act the marginal reference to which is "Company to discharge debts &c. up to date of transfer" is to be made or discharged by the company. A.D. 1913.

14. The company shall after the date of the transfer have access at all reasonable times to all books documents and accounts relating to the water undertaking of the company for the purpose of recovering any sums of money which may be due to them or of making up the accounts of the company to the date of the transfer and for all other reasonable purposes in connection with the winding up of the said undertaking. Access to books.

15. All books and documents in the possession of the company which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall after the transfer be admitted in evidence in respect of the same or the like matters for or against the Council. Books &c. to remain evidence.

16. So much of the Act of 1901 and the Act of 1912 as relates to the water undertaking of the company shall as from the date of the transfer be repealed except the sections of those Acts set out in the schedule to this Act and those excepted sections shall be read and have effect as if the name of the Council were inserted therein instead of the name of the company. Application of certain sections of Acts of 1901 and 1912 and repeal of other sections.

#### WORKS AND LANDS.

17. From and after the transfer the Council may maintain and from time to time alter improve and renew or discontinue the existing works of the company. Power to maintain &c. existing works.

18. Subject to the provisions and for the purposes of this Act the Council may collect take use divert and appropriate for the purposes of the water undertaking all such springs and waters as may be intercepted by the waterworks acquired and constructed by the Council under the authority of this Act. Power to take waters.



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Power to  
purchase  
additional  
lands by  
agreement.

**19.** The Council in addition to any other lands acquired by them in pursuance of any other section of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Council in pursuance of this section shall not at any time exceed five acres Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the water undertaking.

Persons  
under  
disability  
may grant  
easements  
&c.

**20.** 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.

Power to  
hold lands  
for protec-  
tion of  
waterworks.

**21.** The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively 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 the water undertaking.

Dwelling-  
houses for  
persons in  
Council's  
employment.

**22.** The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the water undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging to the Council for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time



being leased to the Council for the purposes of the said A.D. 1913.  
undertaking.

**23.** The Council on selling any lands acquired by them in connection with the water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation  
of water  
rights &c.  
on sale.

**24.** The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands from through or under which any water may flow or percolate directly or derivatively into any spring well adit or other work of the Council with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving or conveying or preserving the purity of the waters so flowing or percolating.

Power to  
agree as to  
drainage of  
lands &c.

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

Limiting  
powers of  
Council to  
abstract  
water.

**26.—(1)** For the purpose of enlarging extending repairing reconstructing cleansing or examining any conduit or line of pipes or tank or reservoir acquired or constructed by the Council under the powers of this Act the Council may cause the water in such conduit or line of pipes or tank or reservoir to be temporarily discharged into any available stream or watercourse.

Temporary  
discharge of  
water into  
streams.

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

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SUPPLY OF WATER.

Rates for  
supply of  
water for  
domestic  
purposes.

27. 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 premises so supplied with water does not exceed seven pounds the sum of eight shillings and eightpence ;

Where the rateable value of the premises exceeds seven pounds but does not exceed twelve pounds a rate not exceeding seven pounds per centum of such rateable value ;

Where such rateable value exceeds twelve pounds a rate not exceeding eight pounds per centum of such rateable value ;

and as from the quarter day which shall next happen after the Council commence to supply water from the works authorised by the Act of 1912 at rates not exceeding the rates per annum hereinafter specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed seven pounds the sum of eight shillings and eightpence ;

Where the rateable value of the premises exceeds seven pounds but does not exceed twelve pounds a rate not exceeding seven pounds per centum per annum of such rateable value ;

Where such rateable value exceeds twelve pounds a rate not exceeding ten pounds per centum of such rateable value.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues 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 hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascer-

tained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction. A.D. 1913.

In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding twelve shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

**28.** The Council may with the sanction of the Local Government Board and after local inquiry by such Board at any time increase the water rates leviable by them by such amount as may be considered necessary in order to meet the estimated expenditure of the water undertaking. Revision of water rates.

**29.** 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 stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric and other lines wires and apparatus: Detection of waste.

Provided that the Council shall not break up or interfere with any electric lines wires or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

**30.** 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 from the occupier and 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 Rates payable by owners of small houses

A.D. 1913. by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Council not bound to supply several houses by one pipe.

**31.** 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.

Notice of discontinuance.

**32.** 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 water office of the Council or be given by the consumer personally at the water office of the Council.

Byelaws for preventing waste &c. of water.

**33.—(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.

(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 and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to such byelaws.

(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 upon the premises of any consumer 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.

Supply by measure.

**34.** 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. A.D. 1913.

**35.** 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. Supply to houses partly used for trade &c.

**36.** The price to be charged for a supply of water by measure shall not exceed one shilling and sixpence per thousand gallons. Price of supply by measure.

**37.** The Council may by agreement supply with water ships or vessels resorting to the port of Swanage and for the purpose of supplying such ships or vessels with water may from time to time lay down and erect such pipes and other works as they may think necessary in convenient stations upon or near to any of the piers quays or wharves within the limits of supply and may also for the like purpose from time to time vary and alter such pipes and other works and the Council may charge such remuneration or rate of payment for the water supplied to any ships or vessels as may be reasonable. Provided that no pipes or other works shall be laid or erected upon any such piers quays or wharves unless with the previous consent of the owner or owners thereof and of the persons having the control and management of the same. Supply of water to vessels,

**38.** 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 ten shillings per annum as they may prescribe for each hose pipe or other apparatus 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.

**39.** 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.



[Ch. xxxii.] *Swanage Urban District Water* [3 & 4 GEO. 5.]  
*Act, 1913.*

A.D. 1913.

Limit of  
pressure.

40. The water supplied by the Council need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or tank from which the supply is taken.

Notice to  
Council of  
connecting  
or discon-  
necting  
meters.

41. 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.

As to com-  
munication  
pipes.

42. 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.

Repair of  
meters by  
consumers.

43. Every consumer of water of the Council shall at all times at his own expense keep all meters belonging to him whereby any water of the Council is registered in proper order for correctly registering such water in default whereof the Council may cease to supply water through such meters and the Council shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any meter belonging to a consumer such taking off removing testing and inspecting and replacing to be done at the expense of the Council if the meter be found in proper order but otherwise at the expense of the consumer.

Register of  
meter to be  
evidence.

44. Where water is supplied by meter 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 is charged and sought to be recovered by the Council Provided always 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 any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. A.D. 1913.

**45.**—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the 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.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the 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 the 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 expense 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.

(3) 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 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.

**46.**—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to Power to  
supply fit-  
tings.

[Ch. xxxii.] *Swanage Urban District Water* [3 & 4 GEO. 5.]  
*Act, 1913.*

A.D. 1913. him and fix repair or alter but shall not manufacture any such 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 the fixing or 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 for such year.

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

47. The Council may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to the public use supply such premises with water and for

that purpose the Waterworks Clauses Acts 1847 and 1863 A.D. 1913.  
shall apply as if the street were a street within the meaning  
of those Acts.

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

Contracts for supplying water in bulk.

#### FINANCE.

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

Power to borrow.

(A) For the purchase of the water undertaking of the company and for defraying the costs and expenses incident to such purchase and to the transfer thereof to the Council (other than the costs of this Act) such sums as may be necessary ;

(B) For the supply of fittings and working capital the sum of one thousand pounds ;

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

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act.

(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 revenue of the water undertaking and if they think fit as a collateral security the district fund and general district rate.

A.D. 1913.  
Section 234  
of Public  
Health Act  
not to apply.

**50.** The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Method of  
raising  
money.

**51.** 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 under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another. 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.

Provisions  
of Public  
Health Act  
as to mort-  
gages to  
apply.

**52.** The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

Section 239 (Receiver may be appointed in certain cases).

Periods for  
repayment  
of money  
borrowed.

**53.** The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to severally as "the prescribed period") following (that is to say):—

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

As to moneys borrowed for the purposes (B) within ten years from the date or dates of borrowing the same:

As to moneys borrowed for the purpose (C) in the said section mentioned within five years from the date of the passing of this Act:

As to moneys borrowed with the approval of the Local Government Board within such period not exceeding sixty years as that Board may think fit to sanction.

**54.** 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 such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

A.D. 1913.  
Method of  
payment off  
of money  
borrowed.

**55.**—(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 and maintained either—

Sinking  
fund.

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

(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 statutory securities 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.

(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



A.D. 1913. — 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 equal 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 equal annual payments to the fund are based any such excess may be applied towards such equal 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 when it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the payment 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 A.D. 1913.  
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 per-  
manently to such an extent as the Local Government Board  
shall approve.

(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 equal 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.

**56.** A person lending money to the Council under this Act 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 of any part thereof. Protection of lender from inquiry.

**57.** The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be 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 any interest thereon not entered in their register. Council not to regard trusts.

**58.—**(1) The Council shall have power (A) to borrow for the purpose of paying off any moneys previously borrowed Power to re-borrow.

A.D. 1913. — under this Act which are 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 this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

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

Return to  
Local  
Government  
Board as to  
repayment  
of debt.

**59.**—(1) The clerk to the Council 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 thereunder 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 to the Council 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 has 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 to the Council 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. A.D. 1913.

(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 this Act 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 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.

**60.** Moneys borrowed or raised by the Council under this Act shall be applied only to the several purposes in respect of which they are respectively authorised to be borrowed or raised and to which capital is properly applicable. Application of money borrowed.

**61.** Notwithstanding anything in the Lands Clauses Acts 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 or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them Power to retain sell &c. lands.

A.D. 1913. under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of  
sale of sur-  
plus lands.

**62.** The proceeds of the sale of any lands or other property of the Council and any other moneys received on capital account under the powers of this Act and the fines and premiums on any leases granted by the Council under this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed 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 but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such sums shall not be re-borrowed.

Council to keep  
separate ac-  
counts of  
water under-  
taking.

**63.** The Council shall keep separate accounts of their receipts and expenditure for waterworks purposes on capital and revenue account.

Application  
of revenue of  
water under-  
taking.

**64.** The Council shall apply all moneys received by them in respect of the water undertaking except money borrowed and money received from the sale of lands or other property or other moneys received on capital account as follows (that is to say) :—

(First) In payment of the working and establishment expenses and cost of maintenance of the water undertaking ;

(Secondly) In payment of the interest on moneys borrowed by the Council for the purposes of the water undertaking ;

(Thirdly) In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed by the Council for the purposes of the water undertaking ;

(Fourthly) In extending improving and constructing (if the Council think fit) any works for the purposes of the water 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 one fifth of the aggregate capital expenditure for the time being upon the water undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the water undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the water undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed limit 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 full amount of one fifth of the said aggregate capital expenditure :

And the Council shall carry to the district fund so much of any balance remaining in any year of the income of the water undertaking (including the interest on the reserve fund when such fund amounts to one fifth of the said aggregate capital expenditure) as may in the opinion of the Council not be required for carrying on improving or extending the water undertaking and paying the current expenses connected therewith.

**65.** Any deficiency in the revenues or receipts of the Council on account of the water undertaking shall be made good out of the district fund and the next general district rate to be made by the Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund. As to deficiency in receipts.

#### MISCELLANEOUS.

**66.** 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. Audit of accounts.



A.D. 1913.

Informa-  
tions by  
whom to  
be laid.

**67.** 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 hereunder may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Evidence  
of appoint-  
ments autho-  
rity &c.

**68.** Where in any legal proceedings taken by or on behalf of the Council under this Act 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.

Authentica-  
tion and  
service of  
notices &c.

**69.**—(1) Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and 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 that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Penalties  
not cumu-  
lative.

**70.** Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Recovery of  
penalties &c.

**71.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs 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 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.



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

A.D. 1913.  
 Penalties to be paid over to treasurer.

**73.** 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 having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Recovery of demands.

**74.** Where the payment of more than one sum by any person is due under this Act or any of the Acts or Orders 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.

Contents of summons.

**75.** 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.

Judges &c. not disqualified.

**76.** 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 whomsoever 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.

Persons acting in execution of Act not to be personally liable.

**77.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board 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.

Power to Local Government Board to direct inquiries.

A.D. 1913.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under 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.

For protection of  
London and  
South  
Western  
Railway  
Company.

**78.** For the protection of the London and South Western Railway Company (in this section called "the South Western Company") the following provisions shall unless otherwise agreed between the South Western Company and the Council apply and have effect:—

(1) In laying down altering improving enlarging extending maintaining repairing or renewing any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the railways belonging to the South Western Company or any lands or property now used or occupied by them or the bridges approaches viaducts or other works of the South Western Company (in this section referred to as "the railway works") the same shall (except in cases of emergency) be done under the superintendence (if the same be given) and to the reasonable satisfaction of the chief engineer of the South Western Company and only according to such plans as shall be submitted to and previously reasonably approved by him in writing and in such manner as shall be so approved by him or in case of difference as may be determined by arbitration in manner hereinafter provided. Provided that if the said engineer shall not signify his approval or disapproval of any plans or proposals so submitted to him within twenty-one days after the same are delivered to him he shall be deemed to have approved thereof and if the said engineer shall refuse or neglect to superintend any operations of the Council the Council may execute the work without his superintendence. Provided also that where in the reasonable opinion of the said engineer there is not a reasonably sufficient space on any bridge to lay any mains or pipes between the road surface and the structure of

any such bridge the South Western Company may require such mains or pipes to be carried below outside or (if reasonably required by them) independently of the structure of any such bridge and shall afford all reasonable facilities for the purpose: A.D. 1913.

- (2) All such works shall be done by and at the expense of the Council who shall also restore and make good to the reasonable satisfaction of the said engineer the road over any bridge of the South Western Company or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or owing to any operations of the Council:
- (3) If by reason of the construction or existence of the said mains pipes or other works it may be necessary to alter or strengthen the structure of any bridge belonging to or maintainable by the South Western Company the Council shall bear the whole expense of such alteration or strengthening reasonably incurred and the work thereof shall be carried out by the South Western Company if that company so desire:
- (4) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to the railway works and so as to cause no interruption to the passage or conduct of traffic over such railways:
- (5) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works or operations of the Council or the bursting leakage or failure of the mains pipes or works of the Council in under over or near to the railway works the Council shall make compensation to the South Western Company in respect thereof and the amount of such compensation unless agreed upon shall be determined by arbitration in the manner in this section provided:
- (6) The Council shall give twenty-one days' notice in writing to the South Western Company before commencing any works affecting the railway works except in cases of emergency and then so soon as

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*Act, 1913.*

A.D. 1913.

is possible after the commencement of the work or the necessity for the same shall have arisen:

- (7) All mains or pipes and other works of the Council upon across over under or in any way affecting the railway works shall be at all times maintained in good repair by the Council and in default of their being so maintained the South Western Company may from time to time by notice in writing signed by their said engineer and delivered at the office for the time being of the Council require the Council forthwith to put the same into good repair and if the Council for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the South Western Company may without any further notice to the Council repair the same and all costs and expenses reasonably incurred by them in or about such repair shall be repaid to them by the Council Provided that in case of accidents happening or immediate danger being apprehended to the railway works by reason of any such main pipe or other work as aforesaid being in want of repair the South Western Company may without giving such notice as aforesaid execute such repairs as may be immediately necessary Provided also that the South Western Company shall as soon as possible give notice to the Council of their intention to execute the same and any reasonable costs and expenses to which the South Western Company may be put by reason of any such repairs shall be repaid to them by the Council:
- (8) The Council shall bear and on demand pay to the South Western Company all reasonable costs of the superintendence by them of the construction of the works and repairs thereof and all reasonable costs of watching lighting and protection of the railway works with reference to and during such construction and repair so far as such costs may in case of difference be determined by arbitration as hereinafter provided to have been necessary but such superin-

tendence by the South Western Company shall not relieve the Council from liability for any accident which may be occasioned by or through the operations of the Council or by their contractors agents or workmen : A.D. 1913.

(9) If at any time it is found necessary in order to enable the South Western Company in the exercise of their existing powers to carry out any alterations renewals repairs or extensions of their railway or works to alter the position of the said mains pipes or works the Council shall on receiving notice in writing from the South Western Company so to do at their own cost and to the reasonable satisfaction of the engineer of the South Western Company alter the position of the said mains pipes or works or temporarily support the same so far as may be necessary to enable the South Western Company to carry out such alterations renewals repairs or extensions of their railway or works and the provisions of this section shall apply to the said mains pipes or works in their altered position :

(10) Any dispute or difference which may arise between the South Western Company and the Council under this section shall be settled by arbitration by an engineer or other fit person to be appointed failing agreement 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.

**79.** If any difference arise between the Council and any road authority or railway or other company whose lands or works the Council have power to cross under the authority of this Act as to the mode of laying down repairing altering or enlarging their mains pipes or other works in over or upon such lands or works or the facilities to be afforded for the same such difference shall be settled by an engineer or other fit person to be appointed by the Board of Trade at the request of either party. Differences with road authorities or railway or other companies.

**80.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and Expenses of Act.



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*Act, 1913.*

A.D. 1913. — passing of this Act or otherwise in relation thereto shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the general district rate and ultimately may be paid out of moneys borrowed by the Council for that purpose under the authority of this Act.

SCHEDULE referred to in the foregoing Act.

A.D. 1913.

THE SCHEDULE REFERRED TO IN THE SECTION OF THIS ACT OF  
WHICH THE MARGINAL NOTE IS "APPLICATION OF CERTAIN  
" SECTIONS OF ACTS OF 1901 AND 1912 AND REPEAL OF  
" OTHER SECTIONS."

ENACTMENTS EXCEPTED FROM REPEAL.

Act of 1901.

- Section 58 (Power to maintain existing waterworks and supply water.)
- Section 59 (Power to make new waterworks.)
- Section 62 (Power to continue and maintain certain works.)
- Section 63 (Power to take lands and waters.)
- Section 87 (Water for watering cattle.)
- Section 88 (For protection of trustees of Streche's Almshouse Charity.)

Act of 1912.

- Section 4 (Power to make works.)
- Section 5 (Power to make subsidiary works.)
- Section 6 (Limits of deviation.)
- Section 7 (Works to form part of undertaking.)
- Section 8 (Period for completion of works.)
- Section 9 (Power to take waters.)
- Section 11 (Power to acquire easements in lieu of lands.)
- Section 12 (Period for compulsory purchase of lands.)
- Section 13 (Owners may be required to sell parts only of certain property.)
- Section 14 (As to private rights of way over lands taken compulsorily.)
- Section 16 (For protection of Earl of Eldon.)
- Section 17 (For protection of trustees of Bankes Settled Estates.)
- Section 18 (For protection of rector of Corfe Castle.)
- Section 19 (As to supply of water to rural district council of Wareham and Purbeck.)

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