



## CHAPTER xviii.

An Act to authorise the Derwent Valley Water Board to construct new waterworks and to acquire lands to make provision for the protection of the gathering ground of the new waterworks to confer further powers upon the Board and for other purposes.

[3rd August 1944.]

**W**HEREAS the Derwent Valley Water Board (hereinafter referred to as "the Board") were incorporated by the Derwent Valley Water Act 1899 and were by that Act and subsequent Acts and Orders authorised to construct and maintain certain reservoirs aqueducts and other works and thereby to impound water and to supply such water to the municipal corporations of the borough of Derby and the cities of Leicester Nottingham and Sheffield: 62 & 63 Vict.  
c. cclxix.

And whereas under the provisions of the said Acts and Orders the Board may be required to supply water in bulk to the local authorities of districts in part of the county of Derby:

And whereas under powers conferred upon them by the Derwent Valley Water Act 1920 (hereinafter referred to as "the Act of 1920") the Board are constructing in the rural district of Chapel-en-le-Frith in the county of Derby a reservoir to be called and hereinafter referred to as "the Ladybower reservoir": 10 & 11 Geo. 5.  
c. clxv.

And whereas with a view to ensuring that the Board shall be and continue to be in a position to meet their obligations in regard to the supply of water it is expedient that the Board should be empowered to construct the new waterworks in the said rural district described in this Act and abstract water by means thereof and to acquire lands and easements for the

purposes thereof and for the general purposes of their undertaking and should also be empowered to construct the dam of the Ladybower reservoir of a greater height than is permissible under the existing enactments relating thereto so as to increase the storage capacity of that reservoir:

And whereas it is expedient for the purpose of preventing the pollution, fouling, or contamination of the waters to be abstracted by the Board by means of the said new waterworks that such provisions as are contained in this Act should be made for restricting the development and use of land and the execution of works in connection with sewerage within that part of the said rural district which forms the gathering ground of the said new waterworks:

And whereas under the provisions of subsection (2) of section 26 (As to compensation water) of the Act of 1920 (hereinafter referred to as "section 26") the Board are bound after the date when the Ladybower reservoir is constructed and filled (whatever the height of the dam) for ever to discharge out of that reservoir into the bed of the river Derwent not less than fourteen million nine hundred and sixty-five thousand gallons of water and under subsection (4) of that section were precluded on any day before the dam of the Ladybower reservoir had been constructed to a height of not less than one hundred and twenty-eight feet above the said bed and that reservoir had been filled from taking and using for the purposes of supply in any year a greater quantity of water than the respective average daily quantities of water therein specified:

25 & 26 Geo. 5.  
c. cv. And whereas by subsection (1) of section 6 (Amendment of section 26 of Act of 1920) of the Derwent Valley Water Act 1935 (hereinafter referred to as "the Act of 1935") it was provided (inter alia) that the Board should during the period from the thirty-first day of December one thousand nine hundred and thirty-three until the date on which the dam of the said reservoir had been constructed to the height aforesaid and that reservoir had been filled or the first day of February one thousand nine hundred and forty-four (whichever of such two last-mentioned dates should be the earlier) be entitled to take and use for the purposes of supply in any year any available water in excess of the maximum quantity prescribed by and from time to time applicable under the hereinbefore recited provisions of subsection (4) of section 26 subject to making to the scheduled companies as defined in that Act compensation in respect of such excess but that from and after the date when the said dam should have been constructed to the height aforesaid and the said reservoir should have been filled the said subsection (1) and the hereinbefore recited subsection (4) of section 26 should cease to have effect:



And whereas by section 9 (Period for completion of Ladybower reservoir) of the Act of 1935 it was provided that if the construction of the dam of the Ladybower reservoir to a height of not less than one hundred and twenty-eight feet above the bed of the river Derwent should not have been completed before the first day of February one thousand nine hundred and forty-four then as from that date the powers conferred by the Act of 1920 for such construction or otherwise in relation thereto should cease:

And whereas by the Derwent Valley Water (Extension of Time) Order 1944 made by the Minister of Health under the Special Enactments (Extension of Time) Act 1940—

3 & 4 Geo. 6.  
c. 16.

- (i) the period limited by the said section 9 of the Act of 1935 for the construction of the said dam to the said height; and
- (ii) the period limited by the said subsection (1) of section 6 of the Act of 1935 during which the Board were entitled subject as aforesaid to take and use for the purposes of supply any available water in excess of the maximum quantities prescribed by and applicable under the provisions of the said subsection (4) of section 26;

were respectively extended until the first day of February one thousand nine hundred and forty-seven:

And whereas although the said dam has been constructed to the said height the construction thereof has not yet been finally completed and the said reservoir has not yet been filled but as from the first day of February one thousand nine hundred and forty-four the Board have discharged and intend at all times hereafter to discharge the full quantity of fourteen million nine hundred and sixty-five thousand gallons of water required to be discharged by subsection (2) of section 26:

And whereas it is expedient that subject to the provisions of this Act the said last-mentioned quantity of compensation water should be increased and that such other provisions with respect to compensation water as are contained in this Act should be enacted:

And whereas it is expedient that the provisions contained in this Act for the amendment in certain respects of the said Derwent Valley Water Act 1899 should be enacted:

And whereas the Board acquired under the powers of the Act of 1920 certain licensed premises known respectively as the Ladybower Inn and the Yorkshire Bridge Inn which premises are now let by the Board on yearly tenancies to tenants who carry on the business of innkeepers:



And whereas a substantial part of the consideration paid by the Board for the acquisition of the said inns was attributable to the fact that they were licensed premises and it is expedient that the powers contained in this Act with reference to the said inns should be conferred upon the Board:

And whereas it is expedient that the Board should be empowered to borrow money for the execution of the works by this Act authorised and the acquisition of lands and easements therefor and for the purposes of the powers by this Act conferred with reference to the said inns:

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

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

And whereas estimates have been prepared by the Board for the purchase of land for or in connection with the works by this Act authorised and the execution of those works and the amount of such estimates is the sum of one hundred and forty-five thousand pounds:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands authorised by this Act to be acquired or used and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the county council of the county of Derby which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

## PART I.

### PRELIMINARY.

Short title.

1. This Act may be cited as the Derwent Valley Water Act 1944 and the Derwent Valley Water Acts and Orders 1899 to 1938 the Derwent Valley Water (Extension of Time) Order 1944 and this Act may be cited together as the Derwent Valley Water Acts and Orders 1899 to 1944.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Protection of gathering ground.

Part IV.—Amendments of Act of 1899 &c.

Part V.—Compensation water Ladybower reservoir.

Part VI.—Miscellaneous and financial.

PART I.  
—cont.

3. The following Acts and parts of Acts (that is to say):—  
The Lands Clauses Acts with the following exception  
and modification:—

Incorporation  
of Acts.

(a) Section 127 of the Lands Clauses Consolida- 8. & 9 Vict.  
tion Act 1845 (relating to the sale of superfluous c. 18.  
lands) is not incorporated with this Act;

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

The provisions of the Railways Clauses Consolidation 8 & 9 Vict.  
Act 1845 with respect to the temporary occupation c. 20.  
of lands near the railway during the construction  
thereof and also section 16 (Works which may be  
executed) of that Act;

The Waterworks Clauses Act 1847 except—

10 & 11 Vict.  
c. 17.

(a) 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

(b) Section 83 (with respect to the yearly receipt  
and expenditure of the undertakers); and

The Waterworks Clauses Act 1863;

26 & 27 Vict.  
c. 93.

so far as they are applicable for the purposes of and are not  
varied by or inconsistent with this Act are hereby incorporated  
with and form part of this Act Provided that in the said  
provisions of the Railways Clauses Consolidation Act 1845  
“the company” shall mean the Board “the railway” shall  
mean the works by this Act authorised to be constructed by  
the Board and “the centre of the railway” shall mean the  
centre lines as shown on the deposited plans of the aqueducts  
and lines of pipes so authorised.

4. In this Act unless the subject or context otherwise Interpretation.  
requires terms to which meanings are assigned by the Acts  
incorporated wholly or in part with this Act or which have  
therein special meanings have in this Act (unless varied there-  
by) the same respective meanings And—

“the Board” means the Derwent Valley Water Board;



## PART I.

—cont.

1 Edw. 7.  
c. lxxx.  
9 Edw. 7.  
c. lxiii.  
1 & 2 Geo. 6.  
c. lxii.  
9 & 10 Geo. 5.  
c. 57.

“ the Act of 1899 ” “ the Act of 1901 ” “ the Act of 1909 ” “ the Act of 1920 ” “ the Act of 1935 ” and “ the Act of 1938 ” mean respectively the Derwent Valley Water Act 1899 the Derwent Valley Water Act 1901 the Derwent Valley Water Act 1909 the Derwent Valley Water Act 1920 the Derwent Valley Water Act 1935 and the Derwent Valley Water Act 1938;

“ Jagers Clough stream ” means the stream flowing in the clough known as Jagers Clough;

“ the Ladybower reservoir ” means the Ladybower reservoir authorised by the Act of 1920 and now in course of construction by the Board;

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

“ day ” means any period of twenty-four hours calculated from midnight to midnight;

“ the four corporations ” means the mayor aldermen and burgesses of the borough of Derby the lord mayor aldermen and citizens of the city of Leicester the lord mayor aldermen and citizens of the city of Nottingham and the lord mayor aldermen and citizens of the city of Sheffield;

“ the county council ” means the county council of the administrative county of Derby;

“ the rural council ” means the rural district council of the rural district of Chapel-en-le-Frith;

“ the scheduled companies ” means the companies and person named in the first column of the schedule to this Act or other the owners for the time being of the mills and works on the River Derwent existing at the date of the passing of this Act and named in the second column of the said schedule opposite the names of the said companies and person respectively;

“ development ” includes any building operations or rebuilding operations and any use of land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used not being the execution of a work or the use of land for or in connection with the conveyance reception storage or treatment of sewage:

Provided that—

(i) the use of land for the purpose of agriculture whether as arable meadow pasture ground or orchard or for the purposes of a



plantation or a wood shall not be deemed to be a development of that land; and

(ii) the use of land within the curtilage of a dwelling-house for any purpose other than building operations shall not be deemed to be a development of that land if the purpose is incidental to the enjoyment of the dwelling-house as such;

“ building operations ” includes the construction placing enlargement or extension of a structure;

“ structure ” includes—

(a) a dwelling-house shed hut or tent or other building structure or erection of any description other than a fence; and

(b) a caravan or vehicle of any description used or intended to be used for human habitation either by day or by night (whether the wheels of such caravan or vehicle have or have not been removed) and not for the time being used for purposes of transport;

“ fence ” includes a fence wall hedge bank or other erection for enclosing land or forming an obstruction to the passage of vehicles or of persons on foot;

“ the zone of protection ” means the area comprising the parish of Edale and parts of the parishes of Hope and Hope Woodlands in the rural district of Chapel-en-le-Frith in the administrative county of Derby which area is bounded by the outer margin of the pink edging shown on the map marked “ zone of protection map ” of which copies have been signed in triplicate by Colonel Sir Arthur Evans the chairman of the committee of the House of Commons to which the Bill for this Act was referred one copy of which map has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the clerk of the Board at his office;

“ contravention ” in relation to any provision or condition includes any failure to comply with that provision or condition;

“ daily penalty ” means a penalty for every day on which any offence is continued by a person after conviction thereof.

## PART II.

## WORKS AND LANDS.

Power to  
construct  
works.

5. Subject to the provisions of this Act the Board may make construct lay down and maintain in the situations and lines and according to the levels shown on the deposited plans and sections relating thereto respectively the following works in the rural district of Chapel-en-le-Frith in the county of Derby (that is to say):—

In the parish of Edale—

Work No. 1 A collecting pool to be formed by a dam across the river Noe;

Work No. 2 An aqueduct or line or lines of pipes commencing in the said collecting pool (Work No. 1) and terminating at the boundary between the parishes of Edale and Hope:

In the parish of Hope—

Work No. 3 An aqueduct or line or lines of pipes with intake from Jagers Clough stream such aqueduct or line or lines of pipes commencing by a junction with the said Work No. 2 at the termination thereof and terminating by a junction with Work No. 4 by this Act authorised at the commencement thereof:

In the parishes of Hope and Hope Woodlands—

Work No. 4 An aqueduct with a line or lines of pipes thereunder commencing in the parish of Hope by a junction with the said Work No. 3 at the termination thereof and terminating in the parish of Hope Woodlands in the Ladybower reservoir:

In the parish of Hope—

Work No. 5 A line or lines of pipes commencing by a junction with the said Work No. 4 at the commencement thereof and terminating in Jagers Clough stream:

In the parish of Hope Woodlands—

Work No. 6 A line or lines of pipes commencing by a junction with an existing line of pipes of the Board and terminating by a junction with the said Work No. 4 at the termination thereof.

Variation of  
Ladybower  
reservoir.

6. Subject to the provisions of this Act the Board may make and maintain in the situation and lines and according to the levels shown on the deposited plans and sections relating thereto the following work in the parishes of Bamford and



Hope Woodlands in the rural district of Chapel-en-le-Frith in the county of Derby (that is to say):—

PART II.  
—cont.

Work No. 7 A variation of the Ladybower reservoir by raising the level of the sill of the overflow to the extent of five feet.

7. For the purpose of making or maintaining any of the works authorised by this Act or any subsidiary works in connection therewith the Board may (but subject to the provisions of this Act) open and break up any public road or public footpath shown on the deposited plans in under or across which such work is authorised to be constructed.

Breaking up  
of roads and  
footpaths.

8. Subject to the provisions of this Act the works to be constructed under the authority of this Act shall for all purposes whatsoever be deemed part of the undertaking of the Board.

New works to  
form part of  
undertaking  
of Board.

9.—(1) The Board may collect impound take use divert and appropriate for the purposes of their undertaking the waters of the river Noe and of Jagers Clough stream and all such other rivers streams brooks springs and other waters as will or may be intercepted by the works by this Act authorised to be constructed by the Board or as may be found in or under any of the lands for the time being belonging to the Board on condition that they comply with the requirements of the following proviso and with the provisions of subsection (2) of this section:

Power to  
take waters.

Provided that at all times after the completion and bringing into use of the Works Nos. 3 and 4 authorised by this Act the Board shall through or by means of the line or lines of pipes (Work No. 5) and the other works in connection therewith by this Act authorised discharge or permit to flow into the gauge basin to be provided pursuant to subsection (2) of this section and thence into Jagers Clough stream not less than three million seven hundred and fifty thousand gallons of water in a regular uniform and continuous flow throughout the twenty-four hours of every day.

(2) (a) The Board shall before commencing to exercise the powers contained in subsection (1) of this section provide and instal in Jagers Clough stream in such position within a distance of seventy-five yards below the intake (part of Work No. 3 by this Act authorised) as may be reasonably approved by the Minister of Agriculture and Fisheries and to his reasonable satisfaction and shall at all times after such installation maintain in correct working order to the like satisfaction a gauge and gauge basin with suitable appliances for measuring and recording automatically (by means of continuous diagrams) the quantity of water passing into the said basin.



PART II.  
—cont.

(b) The said gauge and appliances and the records thereof shall at all reasonable times be open to the inspection and examination of the county council the River Trent Catchment Board the rural council and any person interested in the flow of water in the River Noe or Jagers Clough stream (including the scheduled companies) or the duly accredited representatives of any of the said bodies and persons who may if they so desire take copies of any such records.

(3) In case of any neglect on the part of the Board to maintain the said gauge and appliances in proper working condition as aforesaid and in case of any other neglect or default by or in consequence of which water shall be taken or abstracted by the Board in contravention of the provisions of this section the Board shall for every day on which such neglect or default occurs forfeit and pay to the county council or catchment board (if either of them shall sue for and recover the same) the sum of twenty pounds (such penalties to be recoverable in the manner provided by section 120 (As to prosecution of offences and recovery of penalties) of the Act of 1899) and shall (without prejudice to any other right or remedy available in law to any body or person to enforce the performance and observance of the provisions of this section) in addition make compensation to any person injuriously affected thereby the amount of such compensation in case of difference to be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

(4) If any question or difference shall arise under this section between the Board and the Minister of Agriculture and Fisheries such question or difference shall be determined by arbitration.

Power to  
acquire lands.

10. Subject to the provisions of this Act the Board may for the purposes of this Act and of their undertaking enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to  
acquire  
easements for  
underground  
works.

11.—(1) Where the Board are empowered by this Act to acquire compulsorily any lands for the purposes of any underground works authorised by this Act they may in lieu of acquiring those lands acquire only such easements and rights over or in those lands as may be sufficient for the said purposes and may give notice to treat in respect of those easements and rights and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition thereof as if they were lands within the meaning of those Acts.

(2) The Board shall not be required or except by agreement be entitled to fence off or sever from adjoining lands any lands



in respect of which they have acquired only easements or rights under the provisions of this section and subject to those easements or rights and to any other restrictions imposed by this Act the owners or occupiers for the time being of those lands shall have the same rights of using and cultivating them as if this Act had not been passed.

PART II.  
—cont.

12. If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Board after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council and a duplicate thereof shall be deposited with the clerk of the rural council and also with the clerk of the council of the parish in which the lands are situate or if there be no such council then with the chairman of the parish meeting of the parish and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Board to take the lands and execute the works in accordance with the certificate.

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

13. The powers for the compulsory purchase of lands for the purposes of this Act shall cease on the expiration of three years from the end of the period for which the Emergency Powers (Defence) Act 1939 is in force.

Period for  
compulsory  
purchase of  
lands.  
2 & 3 Geo. 6.  
c. 62.

14.—(1) All private rights of way over any lands which the Board are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Board be extinguished except to the extent to which the Board shall by resolution otherwise determine.

Extinction of  
private rights  
of way.

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

15. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Board may retain hold and use for such time as they may think fit and may from time to time

Power to  
retain sell  
&c. lands.



PART II.  
—cont.

sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale in consideration either 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 them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition and such lands shall in the hands of the purchaser or other person taking the same be by virtue of this Act absolutely freed from any charge of principal moneys created under the Derwent Valley Water Acts and Orders 1899 to 1944 and such purchaser or other person shall not be concerned to see to the application of the purchase money or be answerable for the loss or misapplication thereof Provided that the provisions of section 43 (Application of moneys from sale &c. of land) of the Act of 1899 shall apply to and in relation to the lands by this Act authorised to be acquired by the Board as if moneys borrowed and owing under the Act of 1901 or the Act of 1920 or this Act had been referred to in that section in addition to moneys borrowed and owing under the Act of 1899.

As to use of  
subsoil of  
streets &c.

**16.** Subject to the provisions of this Act the Board may for the purposes of the works by this Act authorised appropriate and use without payment of compensation therefor the subsoil and undersurface of any public street road footway or place shown on the deposited plans and described in the deposited book of reference or so much thereof as shall be necessary for the purposes aforesaid.

Exemption  
from Mineral  
Courts Acts.  
14 & 15 Vict.  
c. 94.  
15 & 16 Vict.  
c. clxiii.

**17.** All lands acquired by the Board under the powers of this Act and the Board or their respective successors and assigns in respect of such lands shall be exempt from the provisions of the High Peak Mining Customs and Mineral Courts Act 1851 and of the Derbyshire Mining Customs and Mineral Courts Act 1852 respectively.

Incorporation  
of sections of  
previous Acts.

**18.** The following provisions of the undermentioned Acts (that is to say):—

The Act of 1899—

Section 36 (Power to grant easements &c.);

Section 40 (Reservation of water rights &c. on sale);

Section 47 (Power to make subsidiary works) as amended by section 16 (For protection of the Postmaster-General) of the Derwent Valley Water Act 1927 and by this Act;

17 & 18 Geo. 5.  
c. lxx.



Section 48 (Limits of deviation);

Section 57 (Temporary discharge of water into streams);  
and

Section 59 (Prohibition of sheepwashing):

The Act of 1935—

The provisions substituted by section 16 (Accommodation of workmen employed on authorised works) of that Act for section 33 (Accommodation of workmen employed on authorised works) of the Act of 1920;

shall extend and apply mutatis mutandis to and in relation to the lands and easements by this Act authorised to be acquired by the Board and to and in relation to the works by this Act authorised and are incorporated with this Act:

Provided that the said section 48 of the Act of 1899 shall not apply to the Work No. 7 by this Act authorised:

Provided also that any water temporarily discharged into any stream or watercourse under the provisions of the said section 57 of the Act of 1899 as applied by this section shall so far as may be reasonably practicable be free from mud or solid or offensive matter and matter injurious to fish or spawn or spawning beds or food of fish.

19. Any telegraphs telephones and other means of electric communication constructed and maintained under the authority of this Act shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection  
of Postmaster-  
General.

41 & 42 Vict.  
c. 76.

20. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Board and the company apply and have effect:—

For protection  
of London  
Midland and  
Scottish  
Railway  
Company.

(1) The Board shall not purchase or acquire any lands or property of the company but the Board may purchase and take and the company shall sell and grant accordingly such easements or rights of using so much of the lands or property of the company as may be reasonably necessary for the construction and maintenance of Work No. 2 by this Act authorised:

(2) Before commencing the construction of the said Work No. 2 or executing repairs or renewals thereof under the railway of the company the Board shall (except in cases of emergency) submit to the principal

PART II.  
—cont.

- engineer of the company (in this section referred to as "the principal engineer") for his approval plans sections and specifications of the works proposed to be carried out (in this section called "the works"). Such approval shall not be unreasonably withheld and shall be deemed to have been given unless the principal engineer shall within twenty-eight days after the submission of the plans sections and specifications to him express his disapproval thereof and his requirements in relation thereto:
- (3) The works shall be carried out under the superintendence if given and to the reasonable satisfaction of the principal engineer and in accordance with the plans sections and specifications approved as aforesaid or in case of difference in accordance with such plans sections and specifications as may be determined by arbitration:
  - (4) The works shall be constructed and executed so as not to cause any injury to the railways or works of the company or interference with the traffic thereon and if any such injury or interference shall be caused by the construction or the subsequent bursting leakage or failure of the works whether or not due to the negligence of the Board the Board shall make compensation to the company in respect thereof:
  - (5) If the company give to the Board notice that they themselves desire to carry out so much of the works as will be situate on the lands and property of the company the company may themselves execute such work (other than the actual laying of any water main or pipe) to the reasonable satisfaction of the engineer of the Board and may recover the reasonable costs incurred by them in so doing from the Board:
  - (6) The Board shall bear and on demand pay to the company any expense reasonably incurred by them in the employment of such inspectors signalmen or watchmen (if any) as may be reasonably necessary for inspecting the works and for watching the railways and works of the company and the conduct of traffic thereon with reference to and during the execution of the works:
  - (7) The Board shall at all times maintain the said Work No. 2 where the same is situate under the railway or works of the company in substantial repair and good order and condition to the reasonable satisfaction of the principal engineer and if and whenever the Board fail so to do the company may make and do all such works and things as may be reasonably requisite in



that behalf and the expenditure reasonably incurred by the company in so doing shall be repaid to them by the Board:

PART II.  
—cont.

- (8) The Board shall indemnify the company from and against all claims for damages or compensation in respect of any damage injury or loss which may be suffered by the employees of the company or by any passengers owners of merchandise traders or owners of property adjoining the said Work No. 2 or any other person or persons by reason of the existence construction or failure of the said Work No. 2 or of any such operations as aforesaid except so far as any such damage injury or loss shall have been occasioned by or through the acts or defaults of the company or those for whom they are responsible Provided that the company shall not settle or agree to a compromise of any such claim except with the consent of the Board which shall not be unreasonably withheld:
- (9) If the company shall at any time after the construction of the said Work No. 2 desire under their existing powers to alter or extend their railways or any of the works or conveniences connected therewith the Board shall give to the company every reasonable facility for the execution of such alteration or extension and any additional expense to which the company may be put owing to the existence of the said Work No. 2 in carrying out any such alteration or extension of their railway shall be repaid to them by the Board:
- (10) If any difference shall arise between the Board and the company or their respective engineers under this section such difference shall be referred to and determined by an engineer to be appointed as arbitrator on the application of either party by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

21. For the protection of the Fine Cotton Spinners' and Doublers' Association Limited or other the owner or owners for the time being of the properties numbered respectively on the deposited plans 1 to 10 and 12 to 37 (inclusive) in the parish of Edale in the rural district of Chapel-en-le-Frith and county of Derby (which properties are in this section referred to as "the estate") all of which persons are in this section referred to as "the owners" the following provision shall notwithstanding anything contained in this Act or shown

For protection of Fine Cotton Spinners' and Doublers' Association Limited.



PART II.  
—cont.

upon the deposited plans apply and have effect (that is to say):—

The Board shall within six months after the date of the passing of this Act serve a notice or notices to treat upon the owners with respect to the purchase by the Board of the estate and interest of the owners of and in the whole of the estate.

As to compensation to Hope and Brough Mills.

**22.**—(1) Notwithstanding anything contained in the section of this Act of which the marginal note is “Power to take waters” the Board shall pay to Marmaduke Hallam Eyre or other the owner of the mills on the river Noe known as Hope Mill and Brough Mill (hereinafter in this section referred to as “the owner”) the sum of eight thousand pounds which sum together with the compensation water provided under the aforesaid section of this Act shall be accepted by the owner as full compensation for any loss or damage sustained by him by injurious affection due to the exercise of the powers of this Act.

(2) The said sum shall be paid to the owner in equal moieties of four thousand pounds the first of such payments to be made by the Board on the day on which they commence to construct Works Nos. 1 to 6 authorised by this Act or any of such works and the second of such payments to be made by the Board on the day on which they commence to take water from the river Noe or Jaggers Clough stream by means of any of such works.

(3) Provided always that the payment of compensation aforesaid shall not exempt the Board from liability to indemnify the owner in the event of any breakdown in the said Works Nos. 1 to 6 or any of such works so as to cause damage by flooding or otherwise to the said mills or either of them and the lands respectively occupied therewith.

For protection of National Trust.

**23.** The following provisions for the protection of the National Trust for Places of Historic Interest or Natural Beauty (hereinafter referred to as “the National Trust”) shall unless otherwise agreed in writing between the National Trust and the Board apply and have effect (that is to say):—

(1) The Board shall not under the powers of this Act acquire any lands vested in the National Trust but the Board may in exercise of the powers conferred on them by the section of this Act of which the marginal note is “Power to acquire easements for underground works” acquire such easements as they may require:

(2) The aqueduct or line or lines of pipes (Work No. 2) by this Act authorised shall be constructed underground and upon the completion of the work the



Board shall restore the surface of the ground as nearly as may be reasonably practicable to its former state:

- (3) All spoil or material obtained in or in connection with the construction or maintenance of any of the works by this Act authorised shall be so spread over the surface of the ground in suitable places and sown with grass seed as to become inconspicuous:
- (4) Before constructing Work No. 1 by this Act authorised and any works in connection therewith the Board shall consult with the Royal Fine Art Commission as to the elevation and appearance of any intended structures fences and buildings and subject to the provisions of the section of this Act of which the marginal note is "As to planning control" will adopt the recommendations of that Commission so far as such recommendations would not in the opinion of the Board be detrimental to the undertaking of the Board or involve unreasonable expenditure by the Board:
- (5) Before intercepting the waters of the river Noe by reason of the construction of Work No. 1 by this Act authorised the Board shall provide suitable alternative watering places along the Jaggers Clough stream for cattle at the Edale End Farm belonging to the National Trust.

24. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the Board and the county council apply and have effect:—

- (1) The provisions of subsections (10) (14) (15) (16) (18) (19) (20) and (21) of section 65 (For protection of the county council) of the Act of 1899 shall extend and apply mutatis mutandis to any works constructed by the Board under the authority of this Act and any works subsidiary thereto as if the said subsections respectively were re-enacted in this Act with reference thereto but with the substitution respectively of references to any county road or county bridge for references in the said subsections to any main road or main road bridge:
- (2) The provisions of section 31 (For further protection of county council) of the Act of 1920 shall in so far as the same relate to the payment to the county council by the Board of expenses in or in connection with the education of the children or dependants of workmen of the Board their contractors or agents employed in or in connection with the works



PART II.  
—cont.

authorised by that Act extend and apply mutatis mutandis in relation to the construction of the works authorised by this Act and any works subsidiary thereto as if the said section were re-enacted in this Act with reference thereto:

- (3) Subsection (7) of section 12 (For protection of county council) of the Act of 1938 shall apply and have effect with respect to the Ladybower reservoir whether or not the same shall be varied under the powers of this Act as if the words "and which may occur within a period of ten years from the completion of the said reservoir" were omitted therefrom and as if the words "to the surface of any county road or" were inserted therein after the word "caused."

For protection  
of rural  
council.

25. For the protection of the rural council (the district of which council is in this section referred to as "the district") the following provisions shall unless otherwise agreed in writing between the Board and the rural council apply and have effect (that is to say):—

- (1) If any damage shall be caused to any of the water-works of the rural council by the construction of any of the works by this Act authorised the Board shall forthwith make good such damage to the reasonable satisfaction of the rural council and shall pay to the rural council as compensation for any loss sustained by them by reason of such damage such sum as may be agreed between the Board and the rural council or as failing such agreement shall be determined by arbitration:
- (2) If for the purposes of or in connection with the execution of the works by this Act authorised the Board demolish any house belonging to them within the district which is occupied by persons of the labouring class at the time of such demolition and was also so occupied at the time when the same is acquired by the Board or otherwise deal with any such house in such manner that it will no longer be available for occupation by such persons they shall forthwith and at their own cost erect within the district another house suitable for occupation by persons of that class and with not less accommodation than that of the house so demolished or otherwise dealt with as aforesaid. The Board shall let the house so erected by them to any applicant of the labouring class at the same rent and upon and subject to the same terms and conditions as was payable in respect of or applied to the demolished house in place of which the house was erected:



- (3) If the waters from any watercourse spring or well used at the commencement of the construction of any of the works by this Act authorised for the supply of any dwelling-house or farm within the district shall become dry or diminished by such construction the Board shall forthwith and at their own cost provide a suitable and proper supply in lieu thereof.

26. The following provisions shall unless otherwise agreed in writing have effect for the protection of the Chatsworth Estates Company or other the person or persons for the time being entitled in possession whether for life or any greater estate to the estate in the county of Derby known as the High Peak Estate (hereinafter called "the estate") which company and persons are in this section included in the expression "the owner":—

For protection  
of Chatsworth  
Estates  
Company.

- (1) The Board shall purchase and the owner shall sell the whole of the lands hereinafter referred to as "the defined lands" shown and coloured pink on the plan signed by George Henry Drewry on behalf of the owner and by Reginald William Scott Thompson on behalf of the Board and in this section referred to as "the plan" upon the same terms conditions and reservations as are set forth under the letters (B) (D) (F) and (G) in subsection (2) of section 72 (For protection of the Duke of Devonshire) of the Act of 1899 with respect to the purchase of the lands in that subsection mentioned:
- (2) The price to be paid for the defined lands shall be the sum of fifteen thousand pounds:
- (3) The said price includes full compensation to the owner for all damage of any description whatsoever sustained by the owner in respect of lands on the estate not sold to the Board whether during the construction of the works by this Act authorised or by those works when completed but not for any measures required to prevent pollution as provided under subsection (2) (G) of the said section 72:
- (4) The rents and outgoing in respect of the defined lands shall be received and borne by the owner to the day fixed for completion and afterwards by the Board and such rents and outgoing shall be apportioned if necessary from the day fixed for completion Any unpaid purchase money shall bear interest at five per centum per annum until paid:
- (5) The defined lands are sold subject to all outgoing easements and rights now affecting the same:



PART II.  
—cont.

- (6) The sale of the defined lands to the Board shall be subject to the exception and reservation in favour of the owner of full and free right of access at all times and for all purposes over the defined lands to the adjoining lands of the owner between the points marked C.D. E.F. and G.H. on the plan:
- (7) The following subsections of the said section 72 of the Act of 1899 (that is to say) ~~11 14 16 17 23 35 36 37 39 and 40~~ so far as the same are respectively applicable shall extend and apply *mutatis mutandis* for the protection of the owner and shall be deemed to be incorporated with this section:
- (8) All costs charges and expenses of the owner shall be paid by the Board:
- (9) The purchase of the defined lands shall be completed and the purchase money paid on the twenty-ninth day of September one thousand nine hundred and forty-four Possession subject to any tenancies shall be given to the Board on completion:
- (10) Any difference which may arise between the owner and the Board under subsection (4) of this section shall be referred to and determined by an arbitrator to be agreed upon between the owner and the Board or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Chartered Surveyors Institution and subject as aforesaid the provisions of the Arbitration Acts 1899 to 1934 shall apply to any such reference and determination.

## PART III.

## PROTECTION OF GATHERING GROUND.

Restrictions  
on use of land  
in zone of  
protection.

27.—(I) (a) It shall not be lawful for any person without the consent of the Board (which consent shall not be unreasonably withheld) to commence any development in any part of the zone of protection or to continue any development commenced before the passing of this Act in any part of such zone.

(b) Any consent of the Board under this section shall be in writing and may be given subject to such reasonable conditions as the Board think fit to impose and any conditions so imposed shall be binding upon and enforceable against every person having any estate or interest in the land to which the conditions relate:

Provided that the consent of the Board under this section shall be deemed to be unreasonably withheld and any condition attached to any such consent shall be deemed to be



unreasonable unless the development proposed to be commenced or continued will or is likely to pollute foul or contaminate any of the waters within the zone of protection.

(2) If at the expiration of five weeks after an application for any such consent specifying the name and address of the applicant and sufficient particulars as to the consent required has been delivered to the Board no decision in regard thereto has been notified in writing posted or delivered to the applicant at that address then (except as may be otherwise agreed in writing between the Board and the applicant) the consent shall be deemed to have been given without any conditions being attached thereto by the Board. If the Board desire to have further particulars as to the consent required under this section by any applicant they shall notify him of such desire within seven days of his application being delivered to them.

(3) If any difference arises between any applicant and the Board as to whether any such consent is unreasonably withheld or any condition attached to a consent is unreasonable or as to the sufficiency of any particulars delivered under subsection (2) of this section such difference shall be referred to an arbitrator.

(4) Within a reasonable time after the passing of this Act if requested by the rural council so to do the Board shall enter into an agreement (upon such terms and conditions as may be mentioned therein) with the rural council enabling that council to receive and to transmit to the Board applications for the consent of the Board under this section to the development of land within the zone of protection and specifying the procedure to be adopted with regard to such reception and transmission. The procedure specified in such agreement may be modified by subsequent agreement between the Board and the rural council. Any difference which may arise between the Board and the rural council as to the procedure to be adopted with regard to such applications shall be determined by the Minister of Health.

28.—(1) Subject to the provisions of this section if any person having any interest in land within the zone of protection or having any other property within such zone proves that such interest or property is injuriously affected by the withholding of any consent or the attachment thereto of any condition by the Board under the section of this Act of which the marginal note is "Restrictions on use of land in zone of protection" he shall be entitled to recover from the Board compensation for the injurious affection to such interest or property and any question as to the amount of any compensation payable under this section shall in default of agreement be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act 1919.

PART III.  
—cont.

(2) Provided that—

(a) without prejudice to the power of the Board to agree with any claimant as to the payment of compensation no claim for compensation under this section shall be entertained by an arbitrator if and so far as the land or property concerned is subject to substantially similar restrictions in force under some other Act at the date when the restrictions came into force under this Act; and

(b) in any case where a claim for compensation under this section is entertained by an arbitrator he shall take into account—

(i) the amount of any compensation which has already been paid to the claimant or to any predecessor in title of the claimant in respect of injurious affection to the land or property concerned that has been caused by—

(A) the provisions of the section of this Act of which the marginal note is “ Restrictions on use of land in zone of protection ”; or

(B) restrictions in force under some other Act that are substantially similar to the restrictions in force under this Act; and

(ii) the amount of any enhancement in value of the interest in land or of the property concerned or of the interest in any other land or of any other property of the claimant caused by the exercise by the Board of the powers contained in this Act.

Power of Board to enter into agreements restricting use of land.

29.—(1) Where any person is willing to agree with the Board that his land or any part thereof shall so far as his interest in the land enables him to bind it be made subject either permanently or for a specified period to conditions restricting the development or use thereof the Board may if they think fit enter into an agreement (upon such terms as may be specified therein) with him to that effect and shall have power to enforce the agreement against persons deriving title under him in the like manner and to the like extent as if the Board were possessed of or interested in adjacent land and as if the agreement had been entered into for the benefit of that adjacent land.

(2) A copy of any agreement entered into by the Board under this section shall be forwarded by the Board to the rural council.

Provisions as to works in connection with sewage in zone of protection.

30.—(1) A person shall not execute in any part<sup>111</sup> of the zone of protection any work for or in connection with the conveyance reception storage or treatment of sewage unless such person (in this section referred to as “ the applicant ”)



shall have previously given not less than five weeks' notice in writing to the Board of his intention to execute the said work and shall have delivered to the Board a description of the work so proposed to be executed describing the proposed manner of execution thereof and also if required by the Board plans and sections thereof. Provided that the Board shall repay to the applicant the reasonable costs incurred by him in complying with a requirement made by the Board as to the delivery of such plans and sections as aforesaid.

(2) If it shall appear to the Board that the execution of the said work in the manner proposed will or is likely to pollute foul or contaminate any of the waters within the zone of protection the Board may give notice to the applicant requiring him to carry out such further or different works (in this section referred to as "protective works") as may be necessary to protect the said waters against pollution fouling or contamination or the risk thereof. All such protective works shall (unless otherwise agreed between the Board and the applicant) be executed by the applicant and to the satisfaction and under the superintendence (if given) of the Board but the Board shall repay to the applicant—

(a) where the applicant is not the rural council such amount as represents the excess (if any) of the reasonable cost (including therein architect's and surveyor's reasonable charges) of the protective works over the reasonable cost (including such reasonable charges as aforesaid) of such works or further works (as the case may be) as could lawfully have been required in connection with the said work by the rural council or other the local authority; and

(b) where the applicant is the rural council or other the local authority proposing to execute a work in pursuance of statutory powers in that behalf such amount as represents the excess (if any) of the reasonable cost of the protective works over what would have been the reasonable cost of the works specified in the description thereof delivered to the Board by the rural council or such other local authority as aforesaid in compliance with the provisions of subsection (1) of this section.

(3) If at the expiration of five weeks after the delivery of the description of the said work and of such plans and sections as may be required by the Board no decision in regard thereto has been notified in writing posted or delivered to the applicant then (except as may be otherwise agreed in writing between the Board and the applicant) the Board shall be deemed to have approved the same and the said work shall be executed in strict accordance therewith.



PART III.  
—cont.

(4) If any difference shall arise between the applicant and the Board as to the necessity of any protective works or as to the reasonableness of any requirement of the Board or any other difference shall arise under subsection (2) of this section such difference shall be referred to an arbitrator.

(5) The Board shall pay compensation to any person proposing to construct any such work as aforesaid whose rights shall be injuriously affected by the restrictions imposed by this section and any question as to the amount of any compensation payable under this section shall in default of agreement be determined by an official arbitrator under the Acquisition of Land (Assessment of Compensation) Act 1919.

Contra-  
ventions of  
Part III.

31.—(1) If any person commences or continues or authorises any other person to commence or continue any development or executes any work in any part of the zone of protection in contravention of any of the provisions contained in either of the sections of this Act of which the marginal notes are respectively "Restrictions on use of land in zone of protection" and "Provisions as to works in connection with sewage in zone of protection" he shall (without prejudice to any other proceedings which may be available against him) be guilty of an offence and shall be liable on conviction by a court of summary jurisdiction—

(a) to a penalty not exceeding fifty pounds; and

(b) to a daily penalty not exceeding ten pounds.

(2) (a) Where any person is convicted of an offence the court may (in addition to or in lieu of imposing a penalty) order that the structure or work in relation to which the offence was committed shall be demolished or removed within such period as may be specified in the order.

(b) If any person fails to comply with any such order the Board may at any time after the expiration of the period specified in the order demolish the said structure or remove the said work and the amount of the expenses thereby incurred by the Board shall subject to the provisions of subsection (3) of this section be recoverable summarily as a civil debt from the person so convicted.

(c) Any person aggrieved by any such order may appeal against the same to a court of quarter sessions.

(3) If in consequence of any contravention a structure is demolished or a work is removed by the Board under the powers of this section and the person by whom the offence was committed is the owner of such structure or work the Board may retain the materials thereof and may after giving to such person forty-eight hours' notice sell or dispose of the



same and (subject as hereinafter provided) may retain the proceeds of such sale or disposal:

PART III.  
—cont.

Provided that—

- (a) if the amount of such proceeds exceeds the amount of the costs and expenses incurred by the Board in or in connection with the demolition of the structure or the removal of the work and the effecting of such sale or disposal they shall pay the amount of such excess to such person;
- (b) if the amount of such proceeds is less than the amount of the costs and expenses so incurred by the Board they may recover summarily as a civil debt from such person the amount by which such costs and expenses exceed such proceeds.

32. The Board and their officers and servants may from Power of time to time at all reasonable times in the day upon giving entry. in writing such previous notice as may be reasonable in the circumstances of the case enter upon any land in the zone of protection for the purpose of ascertaining whether any of the provisions of this Part of this Act have been or are being contravened without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of such entry or continuance upon such land:

Provided that during the period from the first day of May to the thirtieth day of September in any year no person shall under the powers of this section enter upon any moorlands for the time being lawfully used for the rearing and breeding of grouse without the consent of the owner or occupier of such lands which consent shall not be unreasonably withheld but may be given subject to the condition that the person entering upon the lands shall be accompanied by an agent or servant of the person giving the consent.

Any question arising under this section as to whether a consent has been unreasonably withheld shall be referred to an arbitrator.

33. Nothing in this Part of this Act shall authorise the Board directly or indirectly to carry out any protective or other work in such manner as to create a nuisance. Prohibition in regard to nuisance.

34. Where under this Part of this Act any difference or question is to be referred to an arbitrator then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the difference or question or in default of such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the arbitration. Arbitration under this Part of Act.



## PART III.

—cont.

Saving for  
local  
authorities.26 Geo. 5. &  
1 Edw. 8. c. 49.

35. Except as expressly provided in this Part of this Act nothing therein shall take away prejudice or otherwise affect the powers of any local authority for the purposes of the Public Health Act 1936 or of any authority in regard to the administration of the Acts relating to the prevention of the pollution of rivers streams or watercourses.

Saving for  
statutory  
undertakers  
and road  
authorities.

36.—(1) Nothing in this Part of this Act shall affect the right of—

(a) any statutory undertakers for the supply of gas water or electricity—

(i) to lay or construct any main pipe electric line duct or apparatus incidental to the same in the zone of protection or to repair alter or renew any such main pipe electric line duct or apparatus; or

(ii) to repair alter or renew any main pipe electric line duct or apparatus incidental to the same laid or constructed in the zone of protection before the passing of this Act; or

(b) any highway authority to execute any work of construction alteration or maintenance of any road or footpath or of any bridge or the approaches thereto; or

(c) any railway company to commence or continue any development for railway purposes of any land belonging to or occupied by them.

(2) In and for the purposes of this section “statutory undertakers for the supply of gas water or electricity” means any persons authorised by any public general or local Act or Order having the force of an Act to construct work or carry on any gas water or electricity undertaking.

Saving for  
sporting and  
other rights.

37. Nothing in this Part of this Act shall interfere with the exercise of any rights of fishing stocking or preserving game on or sporting over any land or the burning of heather or other operations customary and appropriate for the maintenance and enjoyment of fishing rights or facilities or sporting lands or the exercise of any public or private right of way.

For protection  
of Yorkshire  
Electric Power  
Company.

38. For the protection of the Yorkshire Electric Power Company (in this section referred to as “the company”) the following provisions shall unless otherwise agreed in writing between the company and the Board have effect:—

(1) Nothing in this Part of this Act shall interfere with or affect any right or power from time to time exerciseable by the company under the Electricity



(Supply) Acts 1882 to 1936 or the schedule to the Electric Lighting (Clauses) Act 1899 or any other Act or any Order of or relating to the company:

PART III.  
—cont.  
62 & 63 Vict.  
c. 19.

Provided that nothing in this paragraph shall exempt the company from the provisions of this Part of this Act in respect of—

(a) the construction or enlargement of any building used or to be used for human occupation;

(b) the execution of any work for or in connection with the conveyance reception storage or treatment of sewage; or

(c) the execution or carrying on of any work or operation of such a nature as to cause pollution fouling or contamination of any waters arising on or flowing through or impounded in the zone of ~~protection~~ which the Board are for the time being empowered to take for the purposes of their undertaking:

- (2) Nothing in the section of this Act of which the marginal note is "Power of entry" shall authorise the Board or their officers or servants to enter upon any land for the time being occupied by the company for the purposes of their undertaking except in any case in which the Board or their officers or servants have reasonable grounds for believing that in upon or under such land a work or operation has been is being or is about to be executed or carried on in respect of which the company is not exempt from the provisions of this Part of this Act:
- (3) Any difference between the company and the Board under this section shall be referred to a single arbitrator to be agreed upon between the parties to the difference or in default of such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and save as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

39. The provisions of this Part of this Act shall (without prejudice to anything previously done thereunder) cease to have effect on the expiration of ten years from the end of the period for which the Emergency Powers (Defence) Act 1939 is in force if the Board shall not before the date of such expiration have commenced the construction of the works described in the section of this Act of which the marginal note is "Power to construct works."

Part III to  
cease to have  
effect in  
certain events.



## PART IV.

## AMENDMENTS OF ACT OF 1899 &amp;C.

Definition of  
terms in this  
Part of Act.

40. In this Part of this Act—

“the Derby Corporation” means the mayor aldermen and burgesses of the borough of Derby;

“the Leicester Corporation” means the lord mayor aldermen and citizens of the city of Leicester;

“the Nottingham Corporation” means the lord mayor aldermen and citizens of the city of Nottingham;

“the Sheffield Corporation” means the lord mayor aldermen and citizens of the city of Sheffield;

“the Derby county authorities” means the local authorities in the county of Derby to whom the Board are or may hereafter be required to supply water pursuant to section 84 (Apportionment of water) of the Act of 1899;

“the true mean rainfall” means in relation to any gathering ground the average number of inches of rainfall precipitated thereon annually over such consecutive period not less than thirty-five years as shall be determined by agreement between the four corporations or (failing such agreement) by the director of the Meteorological Office;

“the Sheffield junction” means the point of junction of the Work No. 5 (Aqueduct No. 3) authorised by the Act of 1920 with the aqueduct of the Board from their Derwent reservoir to their Bamford filters;

“section 84” means section 84 (Apportionment of water) of the Act of 1899;

“section 85” means section 85 (Apportionment of expenditure of Board) of the Act of 1899.

Amendments  
of section 84.

41.—(1) Section 84 shall have effect and shall be deemed always to have had effect as if the words “or any subsequent Act” were inserted therein immediately after the words “under this Act.”

(2) As from the first day of February one thousand nine hundred and forty-four—

(a) the expression “the water obtained by the Board under this Act or any subsequent Act and available for the purpose of supply” contained in section 84 as amended by subsection (1) of this section shall be construed to mean in relation to any day of twenty-four hours (calculated from midnight to midnight) a quantity of water equivalent to one one-thousand and ninety-fifth of the total quantity which the Board



could obtain for the purposes of supply by means of the works provided by the Board and for the time being available for the common use or benefit of the four corporations and for the Derby county authorities in three consecutive years in which the aggregate rainfall on the respective gathering grounds tributary to the works so provided and available shall be assumed to have been equivalent to eighty per centum of three times the true mean rainfall on those gathering grounds;

(b) If at any time—

(i) the impounding reservoirs of the Board for the time being in use contain an aggregate quantity of water not less than ninety-five per centum of their aggregate capacity; and

(ii) the Board are of the opinion that after reserving such quantity as they deem necessary for ensuring the availability of the supply of water (as determined under paragraph (a) of this subsection) to which the Derby county authorities and the four corporations are entitled there is a further quantity (to be determined by the Board) of water (hereinafter in this subsection referred to as “additional water”) available for supply to the four corporations;

then the additional water shall be supplied by the Board without charge (other than in respect of expenditure which is directly attributable to the supply of such additional water and which would not have been incurred if such additional water had not been supplied) and during such period as the Board may determine to such one or more of the four corporations as shall notify the Board of their desire and ability to take the same and (if more than one of such corporations make such notification) in the ratio of the quantities represented by the respective statutory proportions of the corporations making such notification subject to—

the deduction from the quantity so represented (in the case of any of the four corporations) of any quantity of water offered by that corporation to the Board in accordance with section 84 and taken by any other or others of the four corporations; or

the addition to the quantity so represented (in the case of any of the four corporations) of any quantity of water so offered to the Board and taken by that corporation;

as the case may be.



## PART IV.

—cont.

Further  
amendment of  
section 84.

42. As from the date on which the Board commence to exercise the powers contained in subsection (1) of the section of this Act of which the marginal note is "Power to take waters" section 84, in so far as it relates to the local authorities in the county of Derby therein referred to shall apply and have effect as if for the reference therein to five million gallons there were substituted a reference to six million five hundred thousand gallons and section 91 (Obligations as to supply to local authorities within the county of Derby exclusive of the Derby Corporation water limits and the Rother Valley) of the Act of 1899 shall be read and have effect accordingly.

As to  
calculation of  
cost price.

43.—(1) Whereas by a judgment of the Court of Appeal dated the seventh day of August one thousand nine hundred and forty (confirmed by a judgment of the House of Lords dated the fourth day of December one thousand nine hundred and forty-two) it was decided that upon the true construction of section 84 there should be taken into account in ascertaining the cost price of water sold by a selling corporation to the Board and bought from the Board by a buying corporation in any year of account the total sum paid by a selling corporation to the Board in that year. And whereas no delivery capacity has been provided in the aqueduct southward of the Sheffield junction in respect of the water to be obtained by the Board and to be made available for the purpose of supply to the Derby Corporation the Leicester Corporation the Nottingham Corporation and the Derby county authorities by means of the works of the Board authorised by this Act. Now it is hereby enacted that the provisions contained in this subsection shall have effect from and after the date on which the works authorised by Part II of this Act for the abstraction of water from the river Noe and its tributaries are brought into use—

(A) Except as hereinafter provided any expenditure incurred by the Board in respect of such or so much of the works of the Board as are or is not for the common use or benefit of the four corporations shall not for the purposes of section 84 be taken into account in calculating the cost price of the quantities of water to which this subsection relates unless the delivery capacity of the said works of the Board has before the acceptance by the Board of the offer been increased by the construction of further works and then only to the extent of the additional burden to be borne by the selling corporation on account of such increase of capacity. Provided that in calculating such cost price in respect of any water



filtered before the delivery thereof to the buying corporation the cost of filtration shall be taken into account:

PART IV.  
—cont.

(B) The quantities of water to which this subsection relates are—

(a) the daily quantity of water accepted by the Board and taken by any one of the four corporations under each offer made to the Board by any one of the other corporations under section 84; or

(b) a quantity bearing to each such daily quantity as is referred to in sub-paragraph (a) of this paragraph the same ratio as—

(i) the daily quantity representing the statutory proportion in which the corporation making such offer is entitled to the water obtained or made available to the Board by means of works not authorised before the date of the passing of this Act after deducting from the last-mentioned daily quantity such quantity or quantities thereof (if any) as has or have already been offered to and accepted by the Board and is or are still being taken at the time when such offer is accepted; bears to—

(ii) the daily quantity comprised in the offer by such corporation to the Board whether such offer is or is not wholly accepted by the Board with the addition of the daily quantity or quantities of water previously accepted by the Board from that corporation and which is or are still being taken at the time when such offer is made:

Provided that as and when such previous acceptance of an offer ceases to have effect the said ratio shall be varied in accordance with the provisions of this sub-paragraph so as to give effect to the reduction in the quantity of water occasioned by such cesser;

whichever is the less:

(c) For the purpose of this subsection any offers made and accepted prior to the date when the said works authorised by Part II of this Act are brought into use shall be deemed to have been made and accepted immediately after the date when the said works are brought into use and the daily quantity for the purpose of sub-paragraph (a) of paragraph (B) of this



PART IV.  
—cont.

subsection as respects such prior offers and acceptances shall be deemed to be the total quantity accepted by the Board from any one corporation and still being taken at such date as aforesaid and the offer referred to in sub-paragraph (b) (ii) of paragraph (B) of this subsection shall be deemed to be the last offer made prior to the said date:

Provided that no such deduction as is referred to in sub-paragraph (b) of the said paragraph (B) shall be made on account of offers and acceptances made prior to the date of the bringing into use of the said works and that there shall be added to the said offer referred to in sub-paragraph (b) of the said paragraph (B) the quantity or quantities (if any) accepted under the previous offer or offers and still being taken:

- (D) If and so far as the daily quantity referred to in sub-paragraph (a) of paragraph (B) of this subsection exceeds the daily quantity representing the proportion referred to in sub-paragraph (b) of that paragraph the cost price in respect of the amount of the excess shall be calculated on the basis of the amount apportioned under section 85 as expenditure incurred for the use or benefit of the corporation by whom the offer referred to in the said paragraph (B) was made.

(2) Until the date when the said works authorised by Part II of this Act are brought into use no expenditure in respect of such works or of lands or easements to be acquired under the powers of this Act shall be included in the calculation of cost price of any water sold under section 84.

Amendments  
of section 85.

44.—(1) Section 85 shall have effect and shall be deemed always to have had effect as if the words “ or any subsequent Act ” were inserted therein immediately after the word “ Act ” where that word first occurs in the said section.

(2) As on and from the first day of February one thousand nine hundred and forty-four section 85 shall have effect as if—

(a) the words “ for the common use or benefit of the four corporations ” were inserted therein immediately after the words “ the purchase of lands ”; and

(b) the words “ impounding reservoirs ” were substituted for the words “ the reservoirs.”

As to  
expenditure  
in connection  
with supplies  
to Derby  
county  
authorities.

45.—(1) The provisions of this section shall have effect as from the first day of January one thousand nine hundred and forty-four and notwithstanding anything contained in the award of the standing arbitrator dated the second day of November one thousand nine hundred and twelve.



(2) For the purpose of carrying into effect the provisions of the Act of 1899 and any subsequent Act with respect to the supply by the Board of water to the Derby county authorities the proportion attributable to the making of provision for such supplies of the expenditure of the Board in any year on or in respect of all lands easements aqueducts balancing reservoirs filters and other works of whatsoever description acquired or constructed by the Board and situate southward of the Sheffield junction shall be—

(a) as respects—

(i) interest on loans contributions to sinking fund rates payable to local authorities and establishment expenses in respect of such lands easements aqueducts balancing reservoirs filters and other works; and

(ii) working expenses of such aqueducts balancing reservoirs and other works (other than filters and water treatment plant);

the proportion which the capacity provided for the Derby county authorities in such works respectively or any part or parts thereof bears to the total capacity in such works or part or parts thereof;

(b) as respects working expenses of such filters and water treatment plant the proportion which the quantity of water filtered or treated for the Derby county authorities in the preceding year bore to the total quantity of water filtered or treated by the Board in those filters or by such plant in that year:

Provided that if at any time hereafter the rates payable to local authorities in respect of the said aqueducts are based on an assessment primarily ascertained by reference to the quantity of water conveyed by the said aqueducts the proportion of the expenditure of the Board in any year for the purpose of carrying out the said provisions shall in respect of rates on the said easements aqueducts balancing reservoirs filters and other works and the lands forming the sites thereof and used in connection therewith be the proportion which the quantity of water conveyed by any of the said aqueducts or any part or parts thereof for the Derby county authorities in the preceding year bore to the total quantity of water conveyed by such aqueduct or part or parts thereof in that year.

46. Any water lost from such or so much of the works of the Board as are or is situate southward of the Sheffield junction whether by leakage or by flushing or by spillage or by the emptying for repairs of the pipes comprising the said works or portion of works shall for the purpose of calculating the quantities of water supplied by the Board to the Derby

As to water lost from filters and from part of aqueduct.



PART IV.  
—cont.

Corporation the Leicester Corporation the Nottingham Corporation and the Derby county authorities respectively be deemed to have been supplied to those authorities respectively. Provided that no deduction in respect of any water so lost shall be made from the quantities of water which the Derby county authorities are for the time being entitled to receive from the Board but any water so lost and deemed under the provisions of this section to have been supplied to the Derby county authorities shall be deducted from the water which the four corporations are entitled to receive from the Board in the ratio of their statutory proportions.

As to wash  
water.

47. From and after the date of completion of the construction of the line or lines of pipes (Work No. 2) authorised by the Act of 1938 the following provisions shall notwithstanding anything contained in the preceding section of this Act have effect:—

- (a) No deduction from the supplies to which the Derby Corporation the Leicester Corporation and the Nottingham Corporation are respectively entitled under the provisions of section 84 shall be made in respect of wash water from the filters of the Board at Bamford and Yorkshire Bridge; and
- (b) For the purposes of section 85 the said line or lines of pipes shall be deemed to form part of the said filters and the expenditure of the Board (whether on capital account or on revenue account) in respect of the said line or lines of pipes shall be apportioned accordingly.

Standing  
arbitrator.

48.—(1) Section 25 (Standing arbitrator) of the Act of 1899 shall be read and have effect as if the word “all” were substituted therein for the words “three-fourths of.”

(2) Section 30 (Review of decisions) of the Act of 1899 shall be read and have effect as if the words “any of the constituent authorities to be made in writing to the Board and to be delivered by the Board to him” were substituted therein for the words “the Board.”

Payments in  
settlement of  
amounts due.

49. Within three months after the passing of this Act the following payments (subject to allowance being made for the amounts already paid or received on account) shall be made:—

(a) there shall be paid to the Board—

(i) by the Nottingham Corporation the sum of two hundred and fifty thousand pounds; and

(ii) by the Sheffield Corporation the sum of two hundred and four thousand pounds;

to the  
of the

(b) there shall be paid by the Board—

(i) to the Derby Corporation the sum of three hundred and thirty-four thousand pounds; and

(ii) to the Leicester Corporation the sum of one hundred and twenty thousand pounds;

in settlement of amounts due for water bought and sold in respect of the period commencing on the first day of January one thousand nine hundred and twenty-eight and ending on the thirty-first day of January one thousand nine hundred and forty-four and of all matters in dispute between the four corporations up to and including the said thirty-first day of January one thousand nine hundred and forty-four.

50. Nothing in this Part of this Act shall have effect so as to— PART IV.  
—cont.

(a) increase the amount of the annual payment to be made for water supplied to any of the Derby county authorities under the provisions of section 91 (Obligations as to supply to local authorities within the county of Derby exclusive of the Derby Corporation water limits and the Rother Valley) of the Act of 1899 as amended by section 21 (Increase of payment for water supplied in bulk to certain authorities) of the Derwent Valley Water Act 1927 and by the section of this Act of which the marginal note is "Further amendment of section 84"; or

(b) reduce the aggregate daily quantity of six million five hundred thousand gallons of water referred to in the first proviso to section 84 (Apportionment of water) of the Act of 1899 as amended by the aforesaid section.

Saving for  
Derby county  
authorities.

#### PART V.

##### COMPENSATION WATER LADYBOWER RESERVOIR.

51.—(1) (a) As from the date of the passing of this Act the Board shall only be entitled to appropriate and take or use for the purposes of supply any water intercepted by the Ladybower reservoir or the Derwent reservoir or the series of aqueducts (A) referred to in section 26 (As to compensation water) of the Act of 1920 (in this section referred to as "section 26") on condition that (subject to the provisions hereinafter contained) they for ever discharge in a regular uniform and continuous flow throughout the twenty-four hours of every day out of the Ladybower reservoir into the bed of the river Derwent at a point therein situate not more than two hundred yards below the dam of that reservoir not less than sixteen million six hundred and sixty-six thousand gallons of water (in this section referred to as "the prescribed quantity"):

As to  
compensation  
water from  
Ladybower  
reservoir.



PART V.  
—cont.

Provided always that the Board may if they decide it is necessary so to do discharge in any day into the river Derwent from the Ladybower reservoir a quantity of water less than the prescribed quantity and in that event the Board shall pay to English Sewing Cotton Company Limited (or such other person or company as may from time to time be nominated by a majority of the scheduled companies) on behalf of the scheduled companies as compensation in respect of every million gallons by which the quantity of compensation water which the Board on that day discharge from the Ladybower reservoir is less than the prescribed quantity a sum equal to the market price of three tons of coal delivered at Masson Mills Matlock Bath (such market price being the average market price of coal so delivered in the year in which such day occurs) and a proportionate sum in respect of any fraction of a million gallons by which the quantity of compensation water which the Board so discharge is less than the prescribed quantity. Provided also that the quantity of water discharged from the Ladybower reservoir in the twenty-four hours of any day shall in no event be less than fourteen million nine hundred and sixty-five thousand gallons.

(b) Subject to compliance by the Board with the second proviso to paragraph (a) of this subsection the sums payable as aforesaid shall be in full satisfaction of all claims by the scheduled companies or any of them in respect of the discharge of a quantity of water less than the prescribed quantity.

(c) (i) Subsections (2) (4) and (8) of section 26 are hereby repealed and shall be deemed as from the first day of February one thousand nine hundred and forty-four to have ceased to have effect.

(ii) Section 6 (Amendment of section 26 of the Act of 1920) of the Act of 1935 (except paragraph (g) of subsection (1) and subsection (2) thereof which are hereby repealed) shall continue to have effect until (a) the dam of the Ladybower reservoir shall have been constructed to a height of one hundred and twenty-eight feet above the bed of the river Derwent and (b) that reservoir shall have been filled or (if both the said events (a) and (b) shall not have occurred before the first day of February one thousand nine hundred and forty-seven or before the expiration of any further extension granted under any enactment of the period referred to in paragraph (a) of the said subsection (1)) until such last-mentioned date or expiration as the case may be and shall then cease to have effect.

(2) (a) Any reference in the unrepealed provisions of section 26 to "this section" shall be construed as a reference to section 26 as amended by this section.

(b) Section 14 (As to discharge of wash water) of the Act of 1938 shall have effect as if for the reference therein to the provisions of subsection (2) of section 26 there were substituted a reference to the provisions of paragraph (a) of subsection (1) of this section.

PART V.  
—cont.

52. Notwithstanding anything contained in the section of this Act of which the marginal note is "As to compensation water from Ladybower reservoir" (which section is hereinafter referred to as "the compensation section") the provisions of—

- (a) section 26 (As to compensation water) of the Act of 1920 (as amended by the Act of 1935 the Act of 1938 and this Act); and
- (b) the section of this Act of which the marginal note is "Power to take waters";

shall be accepted and taken by all persons interested as full compensation for all water of the rivers Derwent Ashop and Noe and of the tributaries thereof respectively which the Board can divert collect impound or appropriate by means of the works authorised by the Derwent Valley Water Acts and Orders 1899 to 1944:

Provided that nothing in this section shall affect the operation of the provisions contained in—

- (i) the first proviso to subsection (1) (a) of the compensation section; or
- (ii) so much of section 6 (Amendment of section 26 of the Act of 1920) of the Act of 1935 as pursuant to subsection (1) (c) (ii) of the compensation section is to continue to have effect;

nor shall deprive the scheduled companies of the benefit of those provisions.

## PART VI.

### MISCELLANEOUS AND FINANCIAL.

53. The powers of the Board under the Derwent Valley Water Acts and Orders 1899 to 1938 of selling leasing or otherwise disposing of lands and of erecting buildings shall extend to enable the Board to exercise at any time and from time to time with reference to the Ladybower Inn and the Yorkshire Bridge Inn acquired by them under the powers of the Act of 1920 the powers which are hereinafter in this section contained (that is to say):—

Powers with  
reference to  
certain inns  
acquired by  
Board.

(1) The Board may—

- (a) extend enlarge or improve the Ladybower Inn and the Yorkshire Bridge Inn or either of them



PART VI.  
—cont.

so as to increase the accommodation conveniences and amenities available at such inns or inn; or

(b) demolish the said inns or either of them and either—

(i) re-erect upon the sites or site of the inns or inn so demolished and equip and fit up as aforesaid new and improved buildings and premises suitable for use for the purposes of the business of an innkeeper licensed to sell intoxicating liquors; or

(ii) erect upon any lands for the time being belonging to the Board and situate within a distance of two miles from the site or sites of the inn or inns so demolished and equip and fit up as aforesaid a building or buildings and premises suitable for use for such purposes as aforesaid:

(2) The Board may if they think fit in lieu of exercising all or any of the powers hereinbefore mentioned grant for such term of years and upon and subject to such terms and conditions as they may determine a lease or leases of both or either of the inns hereinbefore mentioned or of the sites or site thereof or of any other lands for the time being belonging to them and may include in any such lease covenants by the lessee to execute erect and do such works buildings premises and things as the Board may deem necessary or expedient for effecting the purposes hereinbefore mentioned:

(3) Nothing in this section shall—

(a) alter or affect the right of the Board to sell or otherwise dispose of the said inns or either of them or the sites or site thereof or any building or premises erected or re-erected as aforesaid or any other lands for the time being belonging to them; or

(b) authorise the Board to carry on at the said inns or either of them or at any building or premises erected or re-erected as aforesaid the business of an innkeeper; or

(c) alter or affect the operation of any of the provisions of the Licensing Acts 1910 to 1934 or any enactment for the time being in force amending or extending any of those provisions or be deemed to authorise for the purposes of subsection (3) of section 71 of the Licensing (Consolidation) Act 1910 the making of any alteration in either of the said

inns without the consent mentioned in subsection (1) of the said section 71; or

(d) enable the Board to execute or do any act or thing in contravention of the provisions of the Restriction of Ribbon Development Act 1935.

PART VI.  
—cont.

25 & 26 Geo. 5.  
c. 47.

54. Section 47 (Power to make subsidiary works) of the Act of 1899 shall have effect as if the word " pumps " were inserted therein immediately after the word " engines " and the said section as applied by section 21 (Incorporation of sections of Act of 1899 as to works) of the Act of 1920 shall be construed accordingly.

Amendment  
of section 47  
of Act of 1899.

55. Subsection (12) of section 32 (For protection of Chapel-en-le-Frith Rural District Council) of the Act of 1920 shall be read and have effect as if for the references therein to fifty thousand gallons and five million gallons respectively there were inserted references to one hundred thousand gallons and six million five hundred thousand gallons and as if for the reference to four million nine hundred and fifty thousand gallons there were inserted a reference to six million four hundred thousand gallons.

For protection  
of Chapel-en-  
le-Frith  
Rural District  
Council.

56. The Board may from time to time independently of any other borrowing power borrow at interest on the security of their revenue and of the moneys receivable by them from the four corporations the following sums for the following purposes:—

Power to  
borrow.

- (1) For the purchase of land for and the execution of the works by this Act authorised to be executed by them (in addition to the moneys referred to in the section of this Act of which the marginal note is " Power to apply money authorised by Acts of 1899 1901 and 1920 to be raised ") any sum or sums not exceeding in the whole one hundred and forty-five thousand pounds:
- (2) For the execution of works and the provision of plant apparatus appliances and machinery under the powers of the Derwent Valley Water Acts and Orders 1899 to 1938 and for the general purposes of the undertaking of the Board any sum or sums not exceeding in the whole nine hundred and eighty thousand pounds:
- (3) For the purposes of the section of this Act of which the marginal note is " Powers with reference to certain inns acquired by Board " any sum or sums not exceeding in the whole twenty thousand pounds:



PART VI.  
—cont.

(4) For the payment of interest on moneys borrowed for the purposes mentioned in paragraph (1) of this section such further sums as may be requisite:

(5) For paying the costs of this Act as hereinafter defined the sum necessary for the purpose:

Provided that nothing in this section shall authorise the borrowing of money for the payment of interest on any moneys so borrowed in respect of any period subsequent to the year at the expiration of which the period for the repayment of such borrowed moneys commences to run.

Power to  
apply money  
authorised by  
Acts of 1899  
1901 and 1920  
to be raised.

57. The Board may apply for the purposes of this Act in addition to the moneys by this Act authorised to be borrowed any moneys which they were by the Act of 1899 or the Act of 1901 or the Act of 1920 authorised to borrow and which may not be required for the purposes of those Acts respectively.

Incorporation  
of certain  
sections of  
Act of 1899.

58. The provisions of the following sections of the Act of 1899 (that is to say):—

- Section 85 (Apportionment of expenditure of Board);
- Section 98 (Mode of raising money) in the amended form of that section enacted by the Derwent Valley Water Order 1914;
- Section 99 (Mode of payment off of money borrowed) except the proviso to that section;
- Section 100 (Sinking fund);
- Section 101 (Periods for payment of moneys borrowed) as amended by section 37 (Amendment of financial provisions of Act of 1899) of the Derwent Valley Water Act 1904;
- Section 102 (Protection of lender from inquiry);
- Section 103 (Board not to regard trusts);
- Section 104 (Appointment of receiver);
- Section 105 (Power to re-borrow);
- Section 107 (Application of money borrowed);
- Section 108 (Board may issue stock); and
- Section 110 (Power of Board to issue precepts for money to the four corporations);

shall extend and apply mutatis mutandis to and in relation to the Board and to the borrowing and re-borrowing of moneys under the powers of this Act and to the repayment thereof and are incorporated with this Act:

Provided that the provisions of section 19 (As to period for repayment and commencement of sinking fund payments in respect of certain loans) of the Derwent Valley Water Act 1927 shall extend and apply to and with respect to moneys borrowed under the powers of this Act and applied to the

purchase of lands for and the execution of the works by this Act authorised as if this Act had been mentioned in that section in addition to the Derwent Valley Water Acts and Orders 1899 to 1924 and to the Derwent Valley Water Acts and Orders 1899 to 1927.

PART VI.  
—cont.

59. Notwithstanding anything in the Special Enactments (Extension of Time) Act 1940 that Act shall apply to the powers conferred by this Act to execute works and to purchase or acquire compulsorily lands and easements.

Application of  
Special Enactments  
(Extension of Time)  
Act 1940.

60. Paragraph (d) of subsection (2) and subsection (4) of section 1 of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

Application of  
Emergency  
Powers  
(Defence)  
Acts 1939  
and 1940.  
3 & 4 Geo. 6.  
c. 20.

61.—(1) The provisions of the Town and Country Planning Act 1932 (in this section referred to as “ the Act of 1932 ”) the Town and Country Planning (Interim Development) Act 1943 (in this section referred to as “ the Act of 1943 ”) and the provisions of any interim development order made under those Acts or either of them relating to applications for permission to develop land or any scheme made under the Act of 1932 and for the time being in force shall apply to—

As to  
planning  
control.  
22 & 23 Geo. 5.  
c. 48.  
6 & 7 Geo. 6.  
c. 29.

(a) any such development as is referred to in Part III of this Act or any development carried out by the Board under Part VI of this Act; and

(b) any development consisting of the erection alteration or extension of any building or the execution of any work above ground carried out by the Board or the London Midland and Scottish Railway Company under Part II of this Act;

as if this Act had been passed before the commencement of the Act of 1932:

Provided that the authority (in this section referred to as “ the authority ”) for the time being authorised to permit the development of land for the purposes of section 10 of the Act of 1932 shall not refuse consent to any such development as is referred to in the foregoing paragraph (b) unless they are satisfied that it is expedient so to do on the ground that the design or external appearance of the building or work proposed to be erected or executed would seriously injure the amenity of the neighbourhood and is reasonably capable of modification:



PART VI.  
—cont.

Provided also that before granting any consent under the said section 10 in respect of land situate in the zone of protection the authority shall inform the Board of their intention so to do.

(2) Nothing in this section shall—

- (a) deprive any person of any right which but for the provisions of this section he would have had to appeal to the Minister of Town and Country Planning against any decision of the authority; or
- (b) prevent or interfere with the operation of section 6 of the Act of 1943; or
- (c) dispense with any requirement under this Act to obtain the consent of the Board to the carrying out of any development in the zone of protection.

Saving rights  
of Duchy of  
Lancaster.

62. Nothing contained in this Act shall extend or operate to authorise the Board to take use enter upon or in any manner interfere with any land soil water or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exercisable by His Majesty His heirs or successors in right of His said duchy.

Saving for  
emergency  
powers of  
Treasury.

63. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Costs of Act.

64. All costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of their revenue and the contributions of the four corporations or out of moneys to be borrowed under the powers of the Act of 1899 or of the Act of 1901 or of the Act of 1920 or of this Act.

The SCHEDULE referred to in the foregoing Act.

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(P. 2499)