



CHAPTER xix.

An Act to empower the Chesterfield and Bolsover Water Board to construct additional works to confer further powers upon the Board for the purposes of their undertaking and for other purposes.

[3rd August 1944]

WHEREAS the Chesterfield and Bolsover Water Board (in this Act called "the Board") were constituted by the Chesterfield and Bolsover Water Act 1932 and were by that Act authorised to supply water within the following areas as constituted at that time namely the borough of Chesterfield the urban districts of Bolsover and Brampton and Walton the parishes of Brimington and Hasland in the rural district of Chesterfield and part of the parish of Wingerworth in the same rural district:

22 & 23 Geo. 5.
c. lxxxvii.

And whereas the demand for water within the limits of the Board for the supply of water has increased and the authorised resources of the Board are and for some time past have been insufficient to enable them to meet such demand:

And whereas it is expedient in order to enable the Board to meet such demand that the Board should be empowered to maintain and continue subject to the provisions of this Act certain works which have been constructed by them and are referred to in this Act and to make and maintain the further works in this Act described and to acquire lands for the purposes thereof:

And whereas it is expedient that further powers should be conferred upon the Board with respect to their undertaking:

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

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

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

The purchase of lands and easements	...	£	8,800
The construction of the works authorised by this Act		326,200
The provision of new water mains and other waterworks purposes		30,000

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the county council of the administrative 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.

1.—(1) This Act may be cited as the Chesterfield and Bolsover Water Act 1944.

(2) The Chesterfield and Bolsover Water Act 1932 and this Act may be cited together as the Chesterfield and Bolsover Water Acts 1932 and 1944.

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

- Part I.—Preliminary.
- Part II.—Works and lands.
- Part III.—Supply of water.
- Part IV.—Finance.
- Part V.—Miscellaneous.

Short and collective titles.

Division of Act into Parts.

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

PART I.
—cont.
Incorporation
of Acts.

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

(i) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict.
c. 18.

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

(b) The Waterworks Clauses Act 1847 except—

10 & 11 Vict.
c. 17.

(i) The words “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” in section 44;

(ii) Sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts;

(c) The Waterworks Clauses Act 1863;

26 & 27 Vict.
c. 93.

(d) The clauses of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions “ the railway ” shall mean the works authorised by this Act. 8 & 9 Vict.
c. 20.

(2) In the construction of the provisions of the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions “ the promoters of the undertaking ” “ the undertakers ” and “ the company ” mean respectively the Board.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

And in this Act unless the subject or context otherwise requires—

“ The Board ” means the Chesterfield and Bolsover Water Board;

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—cont!

“ The clerk ” means the clerk to the Board;

“ The undertaking ” means the whole of the undertaking for the time being of the Board;

“ The new works ” means the works authorised by the section of this Act of which the marginal note is “ Power to construct works ”;

“ The limits of supply ” means the limits for the time being of the Board for the supply of water;

“ The Act of 1932 ” means the Chesterfield and Bolsover Water Act 1932;

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

2 & 3 Geo. 6.
c. 62.

“ War period ” means the period for which the Emergency Powers (Defence) Act 1939 is in force;

9 & 10 Geo. 5.
c. 57.

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

38 & 39 Vict.
c. 55.

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

23 & 24 Geo. 5.
c. 51.

“ The Act of 1933 ” means the Local Government Act 1933;

“ Revenues of the Board ” includes the revenues of the Board from time to time arising from the undertaking or from any land or other property for the time being of the Board and the money receivable by them from the constituent authorities and all rates and money which they are authorised to levy and collect within the limits of supply under the powers of the Act of 1932 or this Act;

“ The Minister ” means the Minister of Health.

PART II.

WORKS AND LANDS.

Confirmation of and power to maintain certain existing works.

5.—(1) The construction by the Board of the works which are hereinafter described and are shown upon the deposited plans is hereby sanctioned and confirmed.

(2) The works referred to in subsection (1) of this section are:—

(a) An intake weir across the river Hipper at a point 0.25 chain or thereabouts measured in a south-westerly direction from the footbridge in enclosure 1266 on the 1/2500 Ordnance map (edition of 1922) Derbyshire sheet XXIV.16;

- (b) An aqueduct commencing at the said intake weir and terminating by a junction with an existing pipeline at a point on the south bank of the river Hipper 2 chains or thereabouts measured in a north-easterly direction from the footbridge in the said enclosure 1266;
- (c) An intake weir across the brook known as Loads Brook at a point 2.50 chains or thereabouts measured in an easterly direction from the north-western corner of enclosure 1042 on the 1/2500 Ordnance map (edition of 1922) Derbyshire sheet XXIV.12;
- (d) An aqueduct commencing at the last-mentioned intake weir and terminating at the waterworks of the Board at Whispering Well.

(3) The Board may maintain repair renew alter and improve the said works and may by means thereof (but subject to the restrictions hereinafter mentioned) collect impound take use divert and appropriate for the purposes of the undertaking the waters of the river Hipper and the Loads Brook and all such other waters as will or may be intercepted by the said works.

(4) The Board shall not under the powers of this section abstract water from either the river Hipper or the Loads Brook when the flow of water along the river Hipper immediately above the existing intake by means of which water is diverted to Walton Dam is less than at the rate of one million two hundred thousand gallons per twenty-four hours.

(5) If the Board take any water from either the River Hipper or the Loads Brook contrary to the provisions of this section they shall without prejudice to their civil liability (if any) to a person aggrieved be liable to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued.

(6) The Board shall discontinue the abstraction of water by means of the said works as soon as the Chander Hill reservoir authorised by the section of this Act of which the marginal note is "Power to construct works" has been brought into use.

6. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the county of Derby (namely):—

In the parish of Walton (rural district of Chesterfield)—

Work No. 1 A reservoir (to be called the Chander Hill reservoir) to be formed by means of a dam or

PART II.
—cont.

embankment across an unnamed tributary of the Loads Brook and situate to the south-east of the buildings known as Chanderhill Farm;

Work No. 2 An intake weir to be constructed across the brook known as Loads Brook at a point 0.50 chain or thereabouts measured in an easterly direction from the south-western corner of enclosure 1080 on the 1/2500 Ordnance map Derbyshire sheet XXIV.12 (edition of 1922);

Work No. 3 An intake weir to be constructed across the river Hipper at a point 1 chain or thereabouts measured in a westerly direction along the river from the eastern boundary of enclosure 1269 on the 1/2500 Ordnance map Derbyshire sheet XXIV.16 (edition of 1922);

Work No. 4 An intake weir to be constructed across the unnamed brook in Corporation Wood at a point 5 chains or thereabouts measured in a south-easterly direction from the north-western corner of enclosure 486 on the 1/2500 Ordnance map Derbyshire sheet XXIV.16 (edition of 1922);

Work No. 5 A line or lines of pipes commencing at Work No. 4 and terminating at Work No. 3;

Work No. 6 A line or lines of pipes commencing at Work No. 3 and terminating at the Chander Hill reservoir;

Work No. 7 A line or lines of pipes commencing at Work No. 2 and terminating at the Chander Hill reservoir;

Work No. 8 A line or lines of pipes commencing at the Chander Hill reservoir and terminating at the existing waterworks of the Board at Whispering Well;

Work No. 9 An approach road commencing in the roadway shown at the south-east corner of enclosure 1083 on the 1/2500 Ordnance map Derbyshire sheet XXIV.12 (edition of 1922) and terminating at Work No. 2.

In the borough of Chesterfield—

Work No. 10 A weir across the river Hipper (with a gauge for measuring the water flowing down that river) to be situate at a point thereon 2 chains or thereabouts measured in a westerly direction from the existing weir by means of which water is diverted from the river Hipper into the Walton Dam;

Work No. 11 A bridge over the river Hipper commencing at or about the south-eastern corner of the enclosure numbered 319 on sheet XXV.5 of the said Ordnance map (edition of 1918) and terminating on the south bank of that river in the enclosure numbered 9 on the said sheet;

Work No. 12 An approach road commencing at the northern corner of the enclosure numbered 319 on the said sheet XXV.5 crossing the said bridge (Work No. 11) and terminating at Work No. 10 hereinbefore described.

7.—(1) In the construction of the new works the Board may deviate to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road (including for this purpose any roadside waste forming part of or adjoining the street or road) shall be deemed to be such limits) and they may also deviate from the levels shown on the deposited sections to any extent.

Power to deviate.

(2) Provided that—

(a) no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and six feet in addition thereto; and

(b) except for the purpose of crossing a river stream canal dyke watercourse or railway or of crossing any lands where the consent of all persons having a legal interest therein has been obtained no part of the lines of pipes authorised by this Act shall be raised above the surface of the ground otherwise than in accordance with the deposited sections.

8. Subject to the provisions of this Act the works authorised by this Act (including the works the construction of which is confirmed by this Act) shall for all purposes form part of and be comprised in the undertaking.

Works to form part of undertaking.

9. If the new works are not completed on or before the first day of October nineteen hundred and fifty-four or eight years after the termination of the war period whichever is the later then as from that date the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

Period for completion of works.

Provided that the Board may extend enlarge alter reconstruct renew or remove any of the new works and in the case of the lines of pipes lay down additional lines of pipes as and when occasion may require.

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Power to
take waters.

10. Subject to the provisions of this Act the Board may collect impound take use divert and appropriate for the purposes of the undertaking all such streams springs and waters as shall or may be intercepted by means of any of the new works:

Provided that the Board shall not by means of the new works—

- (a) abstract water from the river Hipper when the flow of water along that river passing the intake weir across the same (Work No. 3) is less than at the rate of one hundred thousand gallons per twenty-four hours; or
- (b) abstract water from the Loads Brook when the flow of water along that brook passing the intake weir across the same (Work No. 2) is less than at the rate of fifty thousand gallons per twenty-four hours.

Compensation
water.

11.—(1) In this section—

“Gauge” includes a gauge weir or other apparatus for measuring the flow of water;

“Approved” means approved by the Minister of Agriculture and Fisheries;

“Gauge No. 1” means a gauge for measuring the flow of water along the unnamed tributary of the Loads Brook on which the Chander Hill reservoir is to be constructed such gauge to be situate at or near the site of the dam or embankment of that reservoir;

“Gauge No. 2” means a gauge for measuring the flow of water along the river Hipper at or near to Work No. 10 authorised by this Act;

“Specified rate” means—

(a) in the case of gauge No. 1 a rate of not less than fifty thousand gallons per twenty-four hours through or over that gauge; and

(b) in the case of gauge No. 2 a rate of not less than seven hundred and fifty thousand gallons per twenty-four hours through or over that gauge.

(2) Before taking (by means of the new works) any water for impounding by the Chander Hill reservoir the Board shall construct gauge No. 1 and gauge No. 2 and such gauges shall be approved gauges.

(3) (a) During the first filling of the Chander Hill reservoir after its completion and so long as there shall be in that reservoir sufficient water to enable the Board to comply with this provision; and

(b) After the first filling of the Chander Hill reservoir;

the Board shall discharge through or over gauge No. 1—

- (i) a continuous flow of water at the specified rate through or over that gauge; and
- (ii) any further water which may from time to time be necessary to secure that there shall pass through or over gauge No. 2 a continuous flow of water at the specified rate;

and for the purpose of gauging such discharge the Board shall maintain in good order gauge No. 1 and gauge No. 2.

(4) If the Board—

- (a) neglect to construct or maintain in good order any such gauge as aforesaid or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or
- (b) take any water from any stream contrary to the provisions of subsection (2) of this section or neglect to comply with the requirements of subsection (3) of this section with respect to the discharge of water into the said unnamed tributary of the Loads Brook;

they shall without prejudice to their civil liability (if any) to a person aggrieved be liable in the case of an offence under paragraph (a) of this subsection to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued and in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction to a fine not exceeding fifty pounds in respect of each such day; and
- (ii) on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day.

(5) For the purposes of this section a catchment board a fishery board a rivers board and a navigation authority shall be deemed to be interested in the flow of water in and the discharge of water into any stream within their area or district or as the case may be any part of their system of navigation and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

(6) The foregoing provisions of this section shall be deemed to have been accepted by all persons interested as full compensation for all water impounded by the Chander Hill reservoir except in respect of any land between the foot of the dam or embankment of that reservoir and the site of gauge No. 1.

PART II.
—cont.
4 & 5 Geo. 5.
c. 58.

(7) Subject to the provisions of section 5 of the Criminal Justice Administration Act 1914 any fine recovered under this section on the complaint of a fishery board or of an officer of or person authorised by a fishery board shall as to the whole or such part thereof as the court may determine be paid to the fishery board in respect of the costs of the prosecution.

Sheep dipping
and washing.

12.—(1) If in the opinion of the Board it shall be expedient in order to preserve the purity of the waters which they are by this Act or any existing Act relating to the undertaking authorised to take to prohibit the dipping or washing of sheep (with or without the use of chemicals) in any such waters the Board shall have power to prohibit such dipping or washing of sheep:

Provided that before the Board carry this provision into effect in respect of any place where it has been the practice to dip or wash sheep they shall give to the owners of such dipping or washing place notice in writing of their intention so to do and shall also provide and maintain in the nearest convenient and available situation another suitable dipping or washing place and also a suitable folding place in the vicinity thereof.

(2) Any person aggrieved by any prohibition issued by the Board under this section may within three months after the issue thereof appeal to a court of summary jurisdiction held for the petty sessional division in which the prohibition is to take effect provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Board.

(3) On any such appeal the court shall have power to cancel the prohibition or to allow the prohibition unconditionally or subject to such conditions as to the area within which it shall take effect or as to the provision and maintenance of another suitable dipping or washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.

Prevention
of pollution
of waters.

39 & 40 Vict.
c. 75.
56 & 57 Vict.
c. 31.

13.—(1) For the prevention of the pollution of any waters flowing or diverted into or impounded in the existing Upper Middle and Lower Linacre reservoirs of the Board or the Chander Hill reservoir authorised by this Act the Board may with the consent of the Minister and of the county council and of the rural district council of Chesterfield themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Acts or any Act amending those Acts or any of them with respect to any such waters streams and watercourses or in respect of any nuisance which may exist in proximity thereto and the Board with

such consents as aforesaid shall have and may (if they think fit) from time to time exercise such or the like powers as may for the time being be exercisable by either such council under any enactment for the prevention of the pollution of any such waters streams or watercourses or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply *mutatis mutandis* to the Board:

Provided that if either such council refuse or neglect for the space of two months after being requested by the Board by notice in writing either to take such steps as may be necessary for the enforcement of the provisions of the said Acts or to consent to the enforcement thereof by the Board the Board may appeal to the Minister who may dispense with such consent and thereupon the Board may proceed to enforce the provisions of the said Acts.

(2) The Minister on giving any consent to the Board under subsection (1) of this section or on dispensing with any consent under the proviso to that subsection may attach such terms or conditions as he may think fit.

(3) The powers conferred on the Board by this section shall be exercised subject to the following limitations:—

(a) When the discharge of polluted waters (other than trade waste) from any building farmyard manure pit cesspool or tank which is not connected with a public sewer is at the passing of this Act permitted by the said rural district council without objection from the county council but if continued is likely in the opinion of the Board to endanger the purity of the waters flowing into or impounded in the Upper Middle and Lower Linacre reservoirs or the Chander Hill reservoir the cost of constructing any works which may be required by the Board under the powers of this section for preventing the pollution of the said waters shall be borne by the Board;

(b) If in pursuance of any requirement by the Board any expense is reasonably incurred by any owner or occupier of lands in fencing off any watering place for horses or cattle on any stream and in providing or maintaining a convenient alternative watering place and supplying or keeping the same supplied with water suitable for the needs of horses and cattle in order to prevent the pollution or the risk of pollution of any such waters such expense shall be repaid to such owner or occupier by the Board and may be recovered by such owner or occupier from the Board summarily as a civil debt;

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(c) Nothing in this section shall authorise the prohibition of the reasonable use of manures or fertilisers for the purpose of agricultural horticultural or market gardening operations so long as the manures or fertilisers are stored in a covered building or at a greater distance than fifty yards from the nearest stream or watercourse or are stacked for immediate use in any field at a greater distance than twenty-five yards from the nearest stream or watercourse and whether stored or stacked are on lands not liable to flooding and so long as the use of such manures or fertilisers does not cause the pollution of the waters in any stream or watercourse to such an extent as to infringe the rights of the riparian owners and occupiers thereon.

Power to
take lands.

14. Subject to the provisions of this Act the Board may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act.

Limiting
quantity of
Somersall
Playing Fields
which may
be taken.

15. The quantity of the public recreation ground in the borough of Chesterfield known as the Somersall Playing Fields which may be taken by the Board under the powers of this Act shall not exceed 1.25 acres and notwithstanding anything contained in any deed or other instrument the Board may use the same when so taken for the purposes of this Act.

As to
footpaths.

16. The Board shall not commence the construction of the Chander Hill reservoir or other works in connection therewith which are authorised by this Act so as to stop up the existing footpaths across the lands which the Board are by this Act authorised to acquire for and in connection with those works (which footpaths are marked respectively "Footpath to be stopped up" on the deposited plans), until two justices acting in and for the county of Derby shall have certified that a new footpath (in the position marked "Intended footpath diversion" on the deposited plans) has been completed to their satisfaction by the Board and is open for public use but the Board may at any time after the date upon which such justices shall have so certified proceed with the construction of the said works and thereafter impound water by means of the said reservoir and for those purposes stop up the said existing footpaths.

Period for
compulsory
purchase of
lands.

17. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October nineteen hundred and forty-four or two years after the termination of the war period whichever is the later.

18.—(1) In this section—

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For protection
of Board's
wells.

(a) “ protected works ” means the Holme Brook Hunger Hill Whaley and Whispering Well pumping stations respectively of the Board;

(b) “ domestic purposes ” includes all purposes incidental to the occupation of a dwelling-house and any garden park or grounds occupied in connection therewith;

(c) “ agricultural purposes ” includes—

(i) all purposes for which water is ordinarily used by an owner or occupier of lands in the carrying on of agricultural dairying and market gardening operations on such lands; and

(ii) industrial or manufacturing purposes with reference to the growing produce of lands which are situate within the radius referred to in subsection (2) of this section;

(d) “ the excepted land ” means the land coloured green on a map signed in triplicate by Charles Williams the chairman of the committee of the House of Commons to which the Bill for this Act was referred one copy of which has been deposited in the office of the Clerk of the Parliaments of the House of Lords another copy in the Committee and Private Bill Office of the House of Commons and the remaining copy with the clerk at his office.

(2) (a) It shall not be lawful without the express authority of Parliament for the owner or occupier of any land which is situate within two miles from the centre of any of the protected works to construct on any part of such land any new well or other work (or to enlarge any existing well or other work) for taking or intercepting underground water except with the consent in writing of the Board unless the water to be abstracted from such well or other work is required by such owner or occupier solely for domestic or agricultural purposes on premises belonging to or occupied by him or for the purpose of supplying solely for domestic purposes or for the purposes which are referred to in paragraph (i) of the foregoing definition of “ agricultural purposes ” the premises of any neighbouring owner or occupier to whom a supply is being afforded for those purposes by such first-mentioned owner or occupier at the passing of this Act nor except with the like consent to abstract or permit the abstraction for any purpose other than domestic or agricultural purposes of any water obtainable from any such new well or other work or from the enlargement of any such existing well or other work. In giving any

PART II.
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such consent the Board may attach thereto such conditions as they may think fit:

Provided that nothing contained in this paragraph shall prevent the construction by the rural district council of Chesterfield (or any committee to which the powers of that council under section 116 of the Public Health Act 1936 for construction of waterworks may for the time being have been delegated) on or under any part of the excepted land of any new well or other work which they may have power to construct for taking or intercepting underground water or the enlargement by the said council (or any such committee as aforesaid) on or under any part of the excepted land of any existing well or other work which they (or any such committee as aforesaid) have power to enlarge for taking or intercepting underground water or the abstraction by the said council (or any such committee as aforesaid) or the granting by them of permission for the abstraction of any water obtainable from any such new well or other work or from any such enlargement of an existing well or other work.

(b) Any such owner or occupier who is aggrieved by any refusal of the Board to give such consent as aforesaid or by any conditions attached by the Board to any such consent may within fourteen days after the refusal of such consent or the notification of such conditions (as the case may be) appeal to the Minister and on any such appeal the Minister may by order after considering any representations made by the Board either confirm the refusal to give such consent or the attachment of conditions thereto or may direct the Board to give such consent subject to such conditions (if any) as the Minister may specify and the Board shall comply with any such direction.

(3) Any such owner or occupier to whom such consent shall have been refused (or to whom a consent shall have been given but subject to conditions which he is unwilling to accept) may by notice in writing require the Board to supply to him such quantity of water (if any) as he may require for use on such land for purposes other than domestic or agricultural purposes and subject to the provisions of this section the Board shall supply such owner or occupier with such quantity of water and shall construct any works necessary for conveying the water to the land of such owner or occupier:

Provided that—

(a) the Board shall not be obliged to commence or continue to give such supply to any owner or occupier if such supply or the rate at which the same is taken or required to be given would be likely to interfere with the sufficiency of the supply by the Board of water for domestic purposes within the limits of

supply but before permanently cutting off any such supply on the ground that it would be likely to interfere with the supply by the Board of water for domestic purposes within the limits of supply the Board shall give to the owner or occupier to whom the supply is being afforded not less than one year's notice of their intention so to do and shall repay to such owner or occupier—

(i) any sum deposited with the Board by way of security in pursuance of proviso (e) to this subsection less any sum which may be owing by such owner or occupier to the Board;

(ii) such portion (if any) of any sum recovered by the Board in pursuance of proviso (d) to this subsection as may be agreed between the Board and such owner or occupier or (failing agreement) determined by arbitration to be fair in all the circumstances;

(b) the Board shall not be obliged to commence to give such supply to any owner or occupier if the said supply or the rate at which the same is required to be given would be likely to interfere with the sufficiency of any supply of water for other than domestic purposes which was being given by the Board at the date of the notice in writing given by such owner or occupier;

(c) the Board shall not be obliged to give such supply to any owner or occupier of land which is situate within two miles from the centre of any of the protected works if the quantity of water required to be so supplied would (either alone or if added to the quantity of water required by the owners and occupiers of other land situate within that distance from the same protected works) exceed the available yield of those protected works as then constructed by the Board;

(d) the cost incurred by the Board in and in connection with the construction of any works necessary for conveying the water to the land of any owner or occupier shall—

(i) (if the internal diameter of the main or pipe does not exceed three inches) be borne by the Board; and

(ii) (if such internal diameter exceeds three inches) be repaid to the Board by such owner or occupier and before commencing the construction of any such works the Board may require such

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owner or occupier to give to the Board security for the payment to them of the amount of such cost;

- (e) any owner or occupier supplied with water by the Board under the provisions of this section shall pay such price as failing agreement may be determined by arbitration for each thousand gallons so required which the Board are under an obligation to supply and whether or not the same be actually taken by such owner or occupier and shall be subject to such terms and conditions in regard to such supply as failing agreement may be determined as aforesaid including terms as to the security to be given to the Board for the payment to them of all money which may become due and as to the period during which such owner or occupier shall be bound to take or pay for the supply;
- (f) the price to be determined, as aforesaid shall be such as shall be sufficient to provide in each year of the supply a sum which will so far as can be estimated meet such proportion of the amounts hereinafter in this proviso mentioned as the quantity required to be supplied bears to the available yield of the protected works as then constructed by the Board.

The amounts hereinbefore referred to are—

- (i) the amount of the expenses of and in connection with the working management and maintenance of the protected works and of any other works used for the treatment or storage of water supplied from the protected works or for conveying the water to the land of the owner or occupier and all other costs charges and expenses properly chargeable to revenue in respect of the protected works and other works as aforesaid; and
- (ii) the amount required to give a reasonable return on the money expended in and in connection with the construction of the protected works and other works as aforesaid and the protection thereof and of the water which can or may be intercepted and taken by means thereof against pollution nuisance encroachment or injury and the ensuring of the purity of the said water;
- (g) for the purpose of giving any supply under the provisions of this section the Board may supply water beyond the limits of supply and carry out all such works within or beyond those limits as may be

necessary and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to any necessary modification apply in relation to the laying down and placing of pipes and other works for affording any supply under the provisions of this section;

- (h) except as otherwise expressly provided by this section any question arising under this section between the Board and any owner or occupier shall be determined by arbitration;
 - (i) the Board shall not be under any liability for failure to supply water under the provisions of this section if such failure be due to frost drought or any other unavoidable cause or any accident.
- (4) The provisions of this section shall not apply to—
- (a) the enlargement by Robinson & Sons Limited or the successors in title to the businesses for the time being carried on by them of any existing well or borehole; or
 - (b) the construction by Robinson & Sons Limited or such successors as aforesaid of any new well or borehole;

on the lands belonging to Robinson & Sons Limited or Philip Moffat Robinson which form parts of the premises in the borough of Chesterfield known as Wash House Farm Walton Mill Dam Walton Works Goit Side Works Portland Works and Wheatbridge Mills and are coloured red upon the map signed in triplicate by the Right Honourable the Lord Stanmore the chairman of the committee of the House of Lords 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 at his office.

(5) The provisions of section 68 (For protection of railway companies) of the Act of 1932 shall extend and apply in relation to the powers conferred upon the Board by proviso (g) to subsection (3) of this section as if works carried out by the Board under that subsection were "authorised works" within the meaning of the said section 68.

19. For the protection of the county council the following provisions shall notwithstanding anything in this Act or shown upon the deposited plans and unless otherwise agreed in writing between the county council and the Board apply and have effect (that is to say):—

For protection
of county
council.

- (1) In this section "the signed plan" means the plan which has been signed in duplicate by Richard Clegg

PART II.
—cont.

on behalf of the Board and by Horace Wilfrid Skinner on behalf of the county council one copy of which has been retained by the Board and the other by the county council:

- (2) The Board shall so construct the Chander Hill reservoir that no part of the dam or embankment thereof shall extend to the east of the red line shown on the signed plan between the points "A" and "B" marked thereon:
- (3) If the Board shall acquire any part of the lands numbered on the deposited plans 47 and 49 in the parish of Walton and lying to the east of the red line shown on the signed plan the Board shall if the county council shall at any time or times desire to acquire the said lands or any part or parts thereof for the purposes of the widening of Chander Hill Lane on the western side thereof and of such desire shall give notice in writing to the Board transfer to the county council the land or lands to which the said notice relates upon such terms as may be agreed between the Board and the county council or as failing agreement may be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts:
- (4) The provisions of paragraph (2) of section 67 (For protection of county council) of the Act of 1932 shall so far as applicable for the purpose extend and apply with the necessary modifications in relation to the execution of the works and the exercise of the powers authorised or conferred upon the Board by this Act so far as they affect any road in the county of Derby which may now or hereafter be or become a county road or so far as they affect any county bridge or approaches or other county works in the said county vested in the county council.

For protection
of River
Ouse (Yorks)
Catchment
Board.

20. Notwithstanding anything in this Act the following provisions for the protection of the River Ouse (Yorks) Catchment Board shall unless otherwise agreed in writing between the Board and the catchment board apply and have effect:—

- (1) In this section unless the context otherwise requires—

“ the catchment board ” means the River Ouse (Yorks) Catchment Board;

“ the catchment area ” means the River Ouse (Yorks) catchment area as for the time being constituted;

“ drainage authority ” means a drainage board constituted or to be treated as having been constituted under the Land Drainage Act 1930 and having jurisdiction in the catchment area;

“ banks ” has the meaning assigned to that expression by the Land Drainage Act 1930;

“ watercourse ” includes any river stream ditch drain cut culvert dyke sluice sewer (other than a public sewer within the meaning of the Public Health Act 1936) or passage through which water flows and the banks thereof;

“ authorised work ” means so much of the works described respectively as Work No. 5 Work No. 6 Work No. 7 Work No. 8 and Work No. 11 in the section of this Act of which the marginal note is “ Power to construct works ” as is situate over under or within ten feet from any watercourse:

- (2) In the execution of any authorised work the Board shall not diminish the width between the banks of any watercourse except with the consent of the catchment board but such consent shall not be unreasonably withheld:
- (3) Except with the consent of the catchment board which shall not be unreasonably withheld the Board shall not execute any authorised work otherwise than—
 - (a) in such manner as not to interrupt the free passage of water through or in any watercourse affected by the work; and
 - (b) in such manner as either—
 - (i) to allow the free passage of flood waters under the work; or
 - (ii) to secure that (except in the case of Work No. 11) the top or upper surface of the work shall be situate at such depth below such watercourse as to allow of the proper cleansing and scouring of such watercourse and of the deepening of the bed thereof to such extent as may be reasonably necessary for the improvement of such watercourse; and
 - (c) in such manner as to allow of the widening of such watercourse to such extent as may be reasonably necessary for the improvement of such watercourse:
- (4) (a) The Board before commencing to execute any authorised work shall submit to the catchment board

PART II.
—cont.

plans and section and (when reasonably required by the catchment board) working drawings thereof for their reasonable approval. If the catchment board do not within twenty-one days after the submission to them of any such plans sections and drawings signify to the Board in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(b) An authorised work shall not be executed otherwise than in accordance with such plans and sections and drawings (if any) as may be approved (or are to be deemed to be approved) by the catchment board or if such approval be withheld as may be settled by arbitration and shall be executed to the reasonable satisfaction of the catchment board and under the superintendence of the engineer to the catchment board if the engineer elect to superintend after receiving reasonable notice of the date when the work is to be commenced:

- (5) The Board shall at all reasonable times afford to the engineer to the catchment board or his duly authorised representatives access to any authorised work during the construction thereof for the purpose of inspection:
- (6) The construction of any authorised work shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion:
- (7) The Board shall at all times keep the catchment board and any other drainage authority indemnified against all damages losses costs and expenses which the catchment board or the drainage authority may prove that they have sustained or become liable for or have reasonably incurred by reason or in consequence of any injury or damage which may be caused or result to any watercourse or any obstruction which may be caused or result in any watercourse by or in consequence of or in connection with the execution of any authorised work:
- (8) Any dispute or difference which may arise under this section between the catchment board and the Board shall be referred to and determined by a single arbitrator to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such reference or determination.

21. For the protection of the Derbyshire and Nottinghamshire 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 apply and have effect with reference to the exercise of the powers of this Act in addition to any other provision enuring for the protection of the company (that is to say):—

PART II.

—cont.

For protection of Derbyshire and Nottinghamshire Electric Power Company.

(1) Inasmuch as the construction and user of the Chander Hill reservoir will necessitate the deviation of so much of the electric line and works of the company as lies between Chander Hill Lane and the north-eastern corner of Hagg Wood the Board shall—

(i) grant to the company free of cost an easement in perpetuity (including a right of access with or without vehicles) in on above and across lands to be acquired by the Board under the powers of this Act for the construction maintenance and user by the company of an electric line and works to replace the said existing electric line and works along such route adjoining the said reservoir or in such situation as may be agreed upon between the company and the Board or failing agreement be determined by arbitration as hereinafter provided;

(ii) pay to the company on demand the whole of the costs charges and expenses reasonably incurred by the company in—

(a) the provision and construction of an overhead electric line and works of similar design and equivalent carrying capacity to the said existing electric line and works on the route or situation of the said easement;

(b) dismantling removing and disposing of the said existing electric line and works:

Provided that the company shall (a) as soon as practicable after the said easement has been granted to them commence and with all dispatch complete the deviation of so much of the said electric line and works as aforesaid and take down and remove the existing electric line and works between the above-mentioned points and (b) repay to the Board such sum as may be agreed between the company and the Board or failing agreement be determined by arbitration as hereinafter provided as representing the fair market value of the materials recovered from the said existing electric line and works:

PART II.
—cont.

- (2) The Board shall render to the company all reasonable assistance in obtaining facilities for the use of land adjacent to the said land to be acquired by the Board for the erection thereon of such portion of the deviated electric line and works of the company as may necessarily have to be erected on lands not belonging to the Board:
- (3) The Board shall during the construction and use of the works authorised by this Part of this Act take all reasonable precautions to prevent interference with or injury to any electric line and other works of the company upon across under above or adjoining any lands in or through which the works authorised by this Part of this Act shall be constructed:
- (4) If any interruption or interference with any supply of electricity or interference with or injury to any electric line and other works as aforesaid shall arise from or in any way be due to any of the acts works and operations of the Board in connection with the works authorised by this Part of this Act the Board shall save harmless and indemnify the company from and against all claims losses or expenses arising therefrom and shall make compensation to the company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration as hereinafter provided:
- (5) The expression "electric line" shall have the same meaning as in the Electricity (Supply) Acts 1882 to 1936 and for the purpose of this section shall include poles standards guards stays wires cables and apparatus used by the company in connection therewith:
- (6) Any difference which shall arise between the Board and the company shall be referred to and determined by an arbitrator to be appointed on the application of either party after notice in writing to the other 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.

PART III.

SUPPLY OF WATER.

Power to lay
connecting
mains.

22. For the purpose of conveying water from one part of the limits of supply to another part thereof the Board may exercise as regards any street or bridge outside the limits of supply the powers conferred upon them by the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes as if such street or bridge were

within the limits of supply but nothing in this section shall authorise the Board to supply water beyond such limits.

23. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Board may require that all water required for such swimming bath or bathing pool shall be taken by meter. Supplies to swimming baths and bathing pools.

24.—(1) Where water which the Board supply for domestic purposes and in respect of which they charge a water rate— Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes.

(a) is used for watering a garden; or

(b) is used for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept;

the Board may in either case if a hosepipe or other similar apparatus is used charge in respect of that use of the water an additional annual sum not exceeding ten shillings or such higher sum as may be determined by the Minister on the application of the Board.

(2) Where in either of such cases the water used is drawn from a tap outside a house but no hosepipe or similar apparatus is used the Board may charge an additional annual sum not exceeding one-half the maximum sum chargeable under the preceding subsection.

(3) Sums charged under the provisions of this section shall be paid in advance either quarterly or half-yearly as the Board may determine and shall be recoverable in the manner in which water rates are recoverable.

(4) At least one month before an application under subsection (1) of this section is made to the Minister the Board shall give notice of their intention to make the application in one or more local newspapers circulating in the limits of supply.

25. Where water which the Board supply for domestic purposes and in respect of which they charge a water rate is used by means of a hosepipe or other similar apparatus for watering a garden or for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept and the consumer takes also a supply of water by meter for purposes other than domestic the Board may require that all water used by him by means of the hosepipe or other apparatus shall be taken by meter and paid for at the rate for the time being applicable to his supply by meter for non-domestic purposes. Power to require supply for hosepipe to be taken by meter in certain cases.

PART III.

—cont.

Power to
require pro-
vision of
cisterns in
certain cases.

26.—(1) The Board may require that—

- (a) any building the supply of water to which need not under the Chesterfield and Bolsover Water Acts 1932 and 1944 be constantly laid on under pressure; and
- (b) any house the erection of which was not commenced before the coming into force of this section and to which water is required to be delivered at a height greater than thirty-five feet below the draw-off level of the service reservoir from which a supply of water is being or is to be furnished by them;

shall be provided with a cistern having a ball and stop-cock fitted on the pipe conveying water to it and in the case of such a house as is mentioned in paragraph (b) of this subsection may require that the cistern shall be capable of holding sufficient water to provide an adequate supply to the house for a period of twenty-four hours.

(2) If a consumer whom the Board have in accordance with the foregoing provisions required to provide a cistern fails to comply with the requirement or if a consumer fails to keep in good repair any cistern in use in his building or the ball and stop-cock appurtenant to that cistern the Board may themselves provide a cistern or execute any repairs necessary to prevent waste of water and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the building but without prejudice to the rights and obligations as between themselves of the owner and the consumer.

Power to
prohibit use of
hosepipe tem-
porarily.

27.—(1) If the Board are of opinion that by reason of drought or other cause the water supply of the Board should be conserved the Board may prohibit as from such date as they may determine the drawing or user through any hose or moveable pipe of water supplied by them so far as such drawing or user is for the purpose of gardens or horses or washing vehicles or any outdoor washing purposes and such prohibition shall continue until withdrawn.

(2) The Board shall before the prohibition comes into force give public notice in two or more newspapers circulating within the limits of supply of the prohibition and of the date when it will come into force.

(3) Any person who shall after the date stated in the said notice fail to comply with the prohibition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) The Board shall not make any charge for the use of a hose or moveable pipe in respect of any period during which the drawing or user of water by means thereof is prohibited

as aforesaid if such prohibition is complied with in relation to such hose or moveable pipe and where any consumer has paid to the Board the charge for the use of any such hose or moveable pipe during the year or part of a year which includes the said period and complies with the said prohibition in relation to such hose or moveable pipe the Board shall repay to the consumer the proportion of such charge which is attributable to that period.

PART III.
—cont.

PART IV.
FINANCE.

28. The Board may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Board may mortgage or charge the revenues of the Board and they shall pay off all moneys so borrowed within such periods as the Board may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

Power to Board to borrow.

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements and the construction of Work No. 1 authorised by this Act.	£293,800	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by this Act other than Work No. 1.	£41,200	Thirty-five years from the date or dates of borrowing.
(c) The provision of new water mains and other waterworks purposes.	£30,000	Thirty-five years from the date or dates of borrowing.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

29.—(1) The provisions of Part IX (Borrowing) of the Act of 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Part of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

Application of Act of 1933 to borrowing of money by Board.

(a) the Board were a local authority within the meaning of the Act of 1933;

PART IV.
—cont.

(b) the money so borrowed were borrowed under the said Part IX; and

(c) the revenues of the Board were the general rate fund or the revenues of the local authority;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purpose of this section:

Provided that notwithstanding anything contained in section 212 of the Act of 1933 it shall not be obligatory on the Board to commence repayment by sinking fund or otherwise of any money borrowed for the purposes (a) and (b) mentioned in the section of this Act of which the marginal note is "Power to Board to borrow" until the completion of the Chander Hill reservoir or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

(2) The periods mentioned in the third column of the table contained in the section of this Act of which the marginal note is "Power to Board to borrow" shall as respects any money borrowed under that section respectively be the fixed period for the purposes of the said Part IX.

As to securities of Board.

30. For the purposes of the definition of "statutory securities" in section 218 (Definitions) of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

Saving for emergency powers of Treasury.
3 & 4 Geo. 6.
c. 20.

31. 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.

PART V.

MISCELLANEOUS.

Application of provisions of Act of 1932.

32. The following provisions of the Act of 1932 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to this Act:—

- | | |
|------------|---|
| Section 42 | (Subsidiary and additional works); |
| Section 44 | (Temporary stoppage of streets); |
| Section 45 | (Application of Waterworks Clauses Act 1847); |
| Section 46 | (For protection of Postmaster-General); |
| Section 48 | (Acquisition of easements); |
| Section 49 | (Extinction of private rights of way); |

- Section 51 (Compensation in case of recently acquired interest);
Section 52 (Power to enter upon property for survey and valuation);
Section 53 (Further powers of entry);
Section 54 (Persons under disability may grant easements &c.);
Section 60 (Proceeds of sale of surplus lands);
Section 128 (Expenses of execution of Act);
Section 142 (Inquiries by the Minister);
Section 143 (Judges not disqualified);
Section 146 (Application of Arbitration Act 1889);
Section 147 (Informations by whom to be laid);
Section 148 (Recovery of penalties &c.):

Provided that for the purposes of such extension and application—

- (a) the said section 46 shall have effect as if the words “ Wireless Telegraphy Acts 1904 to 1926 ” were inserted therein instead of the words “ Wireless Telegraphy Acts 1904 to 1906 ”;
- (b) the said section 51 shall have effect as if the twenty-sixth day of November nineteen hundred and forty-three were referred to therein instead of the twenty-sixth day of November nineteen hundred and thirty-one;
- (c) the said section 53 shall have effect as if the words “ one month’s ” were inserted therein instead of the words “ fourteen days’ ”; and
- (d) the said section 146 shall have effect as if the words “ as amended by any subsequent enactment ” were inserted at the end thereof.

33.—(1) The erection alteration or extension of any building or the execution of any work above ground under this Act on land situate in the borough of Chesterfield and the rural district of Chesterfield shall require the consent of the councils of the borough of Chesterfield and of the rural district of Chesterfield respectively who shall not refuse consent unless they are satisfied that it is expedient so to do on the ground—

Provision as to town and country planning.

- (a) that the external design or appearance of the building or work as proposed to be erected altered or extended or executed would seriously injure the amenity of the neighbourhood and is reasonably capable of modification; or
- (b) that the proposed building extension or work ought to be and can reasonably be situate elsewhere upon the land within the limits of deviation for such building extension or work.

PART V.
—cont.

(2) An appeal shall lie to the Minister of Town and Country Planning (in this section referred to as "the Minister") against any refusal of consent by the councils of the borough of Chesterfield or of the rural district of Chesterfield under this section in the manner provided by clause 61 of the Chesterfield Regional Planning Scheme No. 1.

(3) If it appears to the Minister that it is expedient that any application for consent under this section should be referred to him for decision he may give directions to the councils of the borough of Chesterfield and of the rural district of Chesterfield requiring that application to be so referred. Provided that before dealing with any application so referred to him the Minister shall if either of the councils or the applicant so desire afford them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

Amendment
of section 34
of Act of 1932.

34. Subsection (4) of section 34 (Transfer of and compensation to officers) of the Act of 1932 is hereby repealed and in lieu thereof the following provisions shall have effect (namely):—

(4) When Charles Boldry the water engineer of the Board ceases to hold office under the Board the Board shall pay to him during the remainder of his life the annual sum of one hundred and forty-six pounds:

Provided that in determining any superannuation allowance payable to the said Charles Boldry under the Local Government Superannuation Act 1937 or any compensation payable to him under this Act his services under the Chesterfield Gas and Water Board shall not be taken into account but except as in this section expressly provided nothing herein shall prejudice or affect any rights of the said Charles Boldry under the Local Government Superannuation Act 1937.

1 Edw. 8. &
1 Geo. 6. c. 68.Recovery of
rates and
charges from
persons
removing.

35. If it is shown to the satisfaction of a justice of the peace on sworn information in writing that a person is quitting or is about to quit premises to which the Board supply water and has failed to pay on demand an instalment of a water rate or charge payable by and due from him in respect of those premises and intends to evade payment thereof by departing from the premises the justice may in addition to issuing a summons for non-payment of the sum due issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the Board and to detain them until the complaint is determined upon the return of the summons.

PART V.
—cont.

36.—(1) Sections 2 and 3 of the Public Works Facilities Act 1930 and the First Schedule to that Act shall have effect in relation to the Board as if this Act had been in force immediately before the commencement of that Act.

As to application of Public Works Facilities Act 1930. 20 & 21 Geo. 5. c. 50.

(2) For the purposes of the said sections the appropriate Minister in respect of any compulsory purchase order made by the Board shall be the Minister.

37.—(1) The Minister may by means of a Provisional Order made by him and confirmed by Parliament authorise the Board to acquire land compulsorily for any purposes of the undertaking and for that purpose section 160 (Compulsory purchase of land by means of a Provisional Order) of the Act of 1933 shall extend and apply as if the Board were a local authority within the meaning of that section.

Extension of certain sections of Act of 1933 to Board.

(2) Section 161 of the Act of 1933 shall extend and apply as if the Board were a local authority within the meaning of that section but subject to the restrictions contained in paragraph (c) of section 179 of that Act and the provisions of section 162 of that Act shall have effect with respect to the validity and date of operation of any Order made under the said section 161.

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

38. Section 123 (Disclosure by officers of interest in contracts) section 266 (Contracts of local authorities) and section 277 (Appearance of local authority in legal proceedings) of the Act of 1933 and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Board and the members and officers of the Board as if the Board were a local authority within the meaning of such sections respectively and the purposes of this Act were purposes of the Public Health Act 1875 and the Act of 1933.

Incorporation of certain sections of Act of 1933 and section 265 of Public Health Act 1875.

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

Damages and charges to be settled by court.

40. 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

Application of Emergency Powers (Defence) Acts 1939 and 1940.

PART V.
—cont.

had been passed before the commencement of the last-mentioned Act.

Repeal.

41. The following provisions of the Act of 1932 are hereby repealed:—

- Section 77 (Charges for animals and vehicles);
 Subsection (2) of section 110 (Power to Board to borrow);
 Section 111 (Mode of raising money);
 Section 112 (Board may issue stock);
 Section 114 (Mortgages &c. to rank *pari passu*);
 Section 115 (Provisions of Public Health Act 1875 as to mortgages to apply);
 Section 116 (Application of money borrowed);
 Section 117 (Mode of payment off of money borrowed);
 Section 118 (Sinking fund);
 Section 121 (Power to re-borrow);
 Section 122 (Protection of lender from inquiry);
 Section 123 (Board not to regard trusts);
 Section 126 (Interest on mortgages held jointly);
 Section 127 (Appointment of receiver);
 Section 129 (Return to Minister with respect to repayment of debt).

Costs of Act.

42. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board and may be paid out of the revenues of the Board or out of the moneys to be borrowed by the Board under the powers of this Act.

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