



CHAPTER xcvi.

An Act to empower the Local Board of Swinton in Yorkshire to improve their existing Water Supply and to confer further powers on the Local Board. A.D. 1894.

[20th July 1894.]

WHEREAS the Local Board District of Swinton in the west riding of the county of York (in this Act called "the District") is an urban sanitary district of which the Swinton Local Board (in this Act called "the Local Board") are the urban sanitary authority :

And whereas the Local Board have in accordance with the provisions of the Public Health Act 1875 established waterworks and are now supplying the district with water but such supply is inadequate to meet the existing and growing demands of the inhabitants of the district and it is expedient that the Local Board be empowered to construct the additional water and other works by this Act authorised and to alter the existing rates and charges for the supply of water :

And whereas by an Act 55 Geo. III. Cap. XXIII. one Thomas Gee was appointed sole Commissioner for enclosing certain waste lands in the townships of Brampton Wath-upon-Dearne and Swinton in the west riding of the county of York and by his award dated the 10th February 1820 the Commissioner awarded certain land to the Constable of Swinton for the time being and by the South Yorkshire Railway and River Dun Act 1850 the South Yorkshire Railway and River Dun Company obtained compulsory powers of purchasing the land so awarded to the Constable of Swinton and by a deed dated 18th October 1851 the same was conveyed to the South Yorkshire Railway and River Dun Company :

And whereas the minerals lying under the land so conveyed to the Company by the said deed not having been expressly named therein and conveyed thereby did not pass to the Company and the Local Board claims to be entitled thereto and it is expedient

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that the Local Board should be empowered to sell the said minerals for any right or interest which they may have therein and to apply any proceeds of sale in manner herein-after mentioned :

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

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of ten thousand pounds and the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the eighth day of December one thousand eight hundred and ninety-three after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Mexborough and Swinton Times" a local newspaper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that it was expedient to promote the Bill for this Act and that the expense in relation to promoting the same should primarily be charged on the district fund and general district rates of the district :

And whereas such resolution was published twice in the said "Mexborough and Swinton Times" :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the Local Board at a further special meeting held in pursuance of a similar notice on the nineteenth day of January one thousand eight hundred and ninety-four being not less than fourteen days after the deposit of the Bill for this Act in the Houses of Parliament :

And whereas the owners and ratepayers of the district by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the west riding of the county of York and 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 Queen'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):—

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1. This Act may be cited as the Swinton Local Board Act 1894. Short title.

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

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 of that Act with respect to accounts) and for the purpose of incorporation with this Act section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" were omitted from this section;

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoir by this Act authorised to be constructed.

3. In this Act the following words and expressions have the meanings hereby assigned to them unless the context otherwise requires (that is to say):— Interpretation.

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate for the district of Swinton;

"Water revenue" means and includes all moneys received by the Local Board for or in respect of or incidental to the supply of water by the Local Board other than borrowed moneys and other moneys which ought to be carried to capital account;

"The water undertaking" means the water undertaking for the time being of the Local Board;

The term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt and not a debt or demand created by

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statute and the term "superior courts" shall include any court of competent jurisdiction.

Limits and execution of Act.

4. The limits of this Act shall for all purposes be the district of the Local Board and the provisions of the Act shall be executed by the Local Board with the powers duties and indemnities and according to the provisions of the Public Health Act 1875 and any Act amending the same.

Power to make water-works.

5. Subject to the provisions of this Act the Local Board may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say) :—

Work No. 1. A well and pumping station filter beds and dwelling house to be situate near Thomas Street in the township of Swinton in the parish of Wath-upon-Dearne in the west riding of the county of York on a piece of land containing one acre or thereabouts and forming part of a field of land now belonging or reputed to belong to Earl Fitzwilliam and in the occupation of William Rhodes and numbered 35 on the Ordnance plan of the said township of Swinton ;

Work No. 2. A conduit or line of pipes situate in the township of Swinton in the parish of Wath-upon-Dearne aforesaid commencing at the aforesaid pumping station Work No. 1 and terminating at or near the junction of Thomas Street with Church Street in Swinton aforesaid at a point close to a messuage and hereditaments in the same township and in the occupation of John Sharpley ;

Work No. 3. A conduit or line of pipes situate in the township of Swinton in the parish of Wath-upon-Dearne aforesaid commencing at a point near the police station in Church Street and terminating in Rockingham Road immediately above the Woodman Inn on land formerly part of a close called Foxlands and now belonging or reputed to belong to the Local Board by purchase from Miss Catherine Otter ;

Work No. 4. A conduit or line of pipes situate in the township of Swinton in the parish of Wath-upon-Dearne aforesaid commencing at a point immediately above the junction of Wath Road with Rockingham Road and near the Gate Inn and terminating at the intended reservoir near Wath Road aforesaid herein-after mentioned as Work No. 5 ;

Work No. 5. A covered storage reservoir capable of holding 500,000 gallons of water or thereabouts near the Wath

Road in the township of Swinton in the parish of Wath-upon-Dearne aforesaid to be formed by means of excavation on a piece of land containing 1,600 yards or thereabouts part of a field called the Hospital Field belonging or reputed to belong to Earl Fitzwilliam and in the occupation of W. H. Gawtress and numbered 205 on the said Ordnance plan and which said reservoir will be situate immediately adjoining the present reservoir of the Local Board in the said Hospital Field ;

Work No. 6. A reservoir or covered storage tank capable of holding 50,000 gallons of water near the Rockingham Road in the township of Swinton in the parish of Wath-upon-Dearne aforesaid immediately above the Woodman Inn and to be erected or placed on land also formerly part of the said close called Foxlands and now belonging or reputed to belong to the Local Board by purchase from Miss Catherine Otter as herein-before mentioned ;

which said intended waterworks will be situate within the township of Swinton in the parish of Wath-upon-Dearne aforesaid :

Together with all necessary or proper embankments dams bywashes culverts channels tunnels cuts shafts bridges communications roads approaches drains outfalls overflows sluices gauges screen-chambers filter-beds engines pumps conduits catch-waters weirs tanks pipes junctions valves houses buildings and conveniences connected with or auxiliary to the said works or any of them or necessary or proper for inspecting maintaining repairing cleaning using and managing the same.

6. In executing the works and exercising the powers by this Act authorised so far as they affect main roads and county and main road bridges of the west riding of the county of York the following provisions for the protection of the County Council of the west riding of Yorkshire (in this section called "the County Council") shall have effect unless otherwise agreed on in writing between the Council and the Local Board (that is to say) :—

For the protection of the west riding County Council.

(1) The aqueduct conduit or line of pipes shall be constructed and laid in such position at the side of the main road as the County Council shall by writing under the hand of the surveyor to the County Council reasonably direct :

(2) All works to be constructed or laid in along or across or in any way affecting any main road shall be executed at the expense of the Local Board under the reasonable superintendence and to the reasonable satisfaction of the said surveyor in accordance with plans and sections to be reasonably approved of by him in writing before the commencement of any such

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work Provided that if the said surveyor shall not within one month after the same shall have been submitted to him so express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

(3) The works shall be so executed as not to stop the traffic and so far as reasonably practicable so as not in any way to impede or interfere with the traffic of any main road:

(4) The Local Board shall pay to the County Council the reasonable expenses incurred by them in relation to the reasonable superintendence by this section authorised.

Power to
take lands.

7. Subject to the provisions of this Act the Local Board may enter upon take and use such of the lands shown upon the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act but the powers of the Local Board for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

Restriction
on taking
houses of
labouring
class.

8. The Local Board shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to
deviate.

9. In constructing the waterworks and other works by this Act authorised or any of them the Local Board may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards provided that no part of any aqueduct conduit or line of pipes shall be constructed or laid in any public road so as to be above the surface thereof.

10. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

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Time for completion of works.

11. The Local Board may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding ten acres in addition to the lands which they are authorised by this Act to take by compulsion but such lands shall not be used for any building except buildings required for or used in connexion with the water undertaking of the Local Board and the Local Board shall not create or permit the creation of any nuisance on any such lands.

Power to take additional lands by agreement.

12. The Local Board shall have and may exercise all or any of the powers rights privileges and authorities following (that is to say) :—

General powers.

(A) The Local Board may on the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to and for the purposes of this section :

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

(B) The Local Board may supply any corporation body or person with water for hydraulic or other purposes not being domestic purposes for such rent or other remuneration as may be agreed between them and the corporation body or person supplied but the powers of this subsection shall not be exercised so as to interfere with their giving an efficient supply for domestic purposes :

Supply of water for hydraulic and other purposes.

(C) The Local Board may agree with any person desirous of having a supply of water that the rent or remuneration for such supply shall be determined by the quantity of water consumed to be ascertained by a meter to be provided by the Local Board and may agree on the amount of the rent or remuneration to be paid for such supply :

Rent for water may be ascertained by meter.

(D) All fittings connected with any service pipe to communicate with the mains and pipes of the Local Board which shall be provided by any person shall be placed and removed under the superintendence of the Local Board and at the expense of such person :

Service pipes.

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As to water
meters.

(E) In cases in which the Local Board supply water by meter the following provisions shall have effect :—

- (1) Before any person connects or disconnects any meter through which any of the water of the Local Board is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Local Board of his intention to do so and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings ;
- (2) The register of any meter shall be primâ facie evidence of the quantity of water consumed by any customer of the Local Board in respect of which any water rate or rent is charged or sought to be recovered by the Local Board ;
- (3) If any person wilfully fraudulently or by culpable negligence injures or suffers to be injured any meter or fitting belonging to the Local Board or fraudulently alters the index to any meter or fraudulently prevents any such index from duly registering the quantity of water supplied he shall without prejudice to any other right or remedy for the protection of the Local Board or the punishment of the offender for every such offence be liable to a penalty not exceeding five pounds and the Local Board may in addition thereto recover the amount of any damages sustained by them :

Local Board
not bound
to supply
several
houses by
one pipe.

Bye-laws for
preventing
waste &c.
of water.

(F) The Local Board shall not be bound to supply more than one house by means of the same pipe and they may if they think fit require that a separate pipe be laid up to each house supplied by them with water :

(G) For preventing waste misuse undue consumption or contamination of the water of the Local Board the following provisions shall have effect namely :—

- (1) The Local Board may from time to time make such bye-laws as they think expedient for the objects aforesaid to be observed by persons supplied with water ;
- (2) The Local Board may by any such bye-laws direct the use and prescribe the size nature strength materials workmanship and the mode of arrangement connexion disconnexion alteration and repair of pipes valves meters cocks tanks cisterns baths soil-pans water-closets and other apparatus or receptacles necessary for conveying delivering receiving and measuring water and may interdict any arrangement and the use of any pipe valve meter cock tank cistern bath soil-pan water-closet or other apparatus or receptacle likely to occasion waste misuse undue

consumption erroneous measurement or contamination of water ; A.D. 1894.

(3) In case of the failure of any person to observe any bye-laws for the time being in force the Local Board may if they think fit after twenty-four hours' notice in writing enter and by or under the direction of their authorised officer repair replace or alter any pipe valve meter cock tank cistern bath soil-pan water-closet or other apparatus or receptacle belonging to or used by any person supplied by them and the power of entry given by section 15 of the Waterworks Clauses Act 1863 and the provisions of that section relative thereto shall extend and apply to entry for the purposes of such repair replacement or alteration and the expense of every such replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered from him in a summary manner ;

(4) All bye-laws made by the Local Board under this section shall be made under and according to the provisions with respect to bye-laws contained in sections 182 to 186 (except so much thereof as relates to bye-laws made by a rural sanitary authority) of the Public Health Act 1875 and shall be in force only within those parts of the water limits in which the Local Board are bound to afford and do in fact or are prepared on demand to afford a constant supply :

(H) A notice to the Local Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the principal office for the time being of the Local Board. Notice of discontinuance.

13. The Local Board may demand and take for the supply of water for domestic purposes within the water limits any rates and charges not exceeding the rates and charges following (that is to say) :— Rates for supply for domestic purposes.

Where the rateable value of the premises so supplied with water shall not amount to six pounds at a rate not exceeding eight shillings and eightpence per annum ;

Where such rateable value shall amount to or exceed six pounds at a rate not exceeding seven pounds per centum per annum and so in proportion for any shorter period :

Provided that the Local Board shall not be compellable to afford a supply of water for domestic purposes for any less period

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Provided further that "rateable value" shall mean the net annual value of the premises as determined by the valuation list in force at the commencement of the half year in which the water rate accrues or if there is none then by the last rate made for the relief of the poor:

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

Power to sell minerals.

14. The Local Board may subject to the provisions of the Railways Clauses Consolidation Act 1845 from time to time sell lease or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they think fit the minerals lying under the land conveyed to the South Yorkshire Railway and River Dun Company as herein-before recited for any right or interest which the Local Board may have in such minerals.

Proceeds of sale to be treated as capital.

15. Any proceeds of the sale of such minerals shall be distinguished as capital in the accounts of the Local Board and shall be applied in discharge of moneys borrowed by the Local Board for waterworks purposes and any moneys so discharged shall not be re-borrowed.

Power to borrow.

16. The Local Board may for the purposes herein-after mentioned from time to time (in addition to any other moneys which they are now authorised to borrow) borrow at interest on the security of the water revenue and the district fund and general district rate the following sums (that is to say):—

For waterworks purposes the sum of ten thousand pounds;

For the purpose of paying the taxed costs of this Act the sum requisite for that purpose:

Provided always that the powers of borrowing moneys by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Local Board may borrow under that Act any sums they may borrow under this Act shall not be reckoned.

Provisions as to mortgages.

17. Sections 236 to 239 inclusive of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages granted under the powers of this Act.

18. The Local Board shall repay all moneys to be borrowed by them in the manner following (that is to say) :—

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Repayment
of borrowed
moneys.

As regards moneys borrowed to defray the costs of this Act or otherwise in relation thereto within any period not exceeding ten years from the time of the borrowing thereof ;

As regards moneys borrowed for waterworks purposes within any period not exceeding sixty years from the time of the borrowing thereof Which said periods are herein-after referred to as the prescribed period ;

And such repayment shall be made either by equal half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided that it shall not be obligatory on the Local Board to commence the repayment of any loan raised for the purposes of this Act until after the expiration of one year from the date of the borrowing thereof.

19. If the Local Board determine to pay off by means of a sinking fund any moneys repayable in accordance with the provisions of this Act the following regulations shall be observed :—

Regulations
as to sink-
ing fund.

(1) Such equal yearly sums shall be paid by the Local Board out of the fund or rate charged with the repayment of such moneys into a sinking fund as being accumulated at compound interest at a rate not exceeding three pounds per centum per annum would be sufficient to pay off the borrowed moneys within such period not exceeding the prescribed period from the date of borrowing as the Local Board may in such a case determine :

(2) All sums paid into a sinking fund shall as soon as may be be invested by the Local Board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debenture stock or other securities not being annuity certificates or certificates payable to bearer of any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received be paid into the sinking fund and invested by the Local Board in like manner Provided that if in any year the income arising from the investments of such sinking fund does not equal the prescribed rate of accumulation any deficiency shall be forthwith made good out of the revenue fund or rate charged with the moneys for the repayment of which such fund is set aside :

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- (3) The Local Board may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created :
- (4) Whenever any of such principal moneys have been so paid off the Local Board shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per centum on which the annual payments to the sinking fund are based :
- (5) Whenever and so long as the amount standing to the credit of the sinking fund shall be equal to the amount of the loan outstanding for the repayment of which it was set aside the Local Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to
re-borrow.

20. If the Local Board pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments appropriations or annual repayments or of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the said loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Local Board with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Power to
borrow
under Local
Loans Act
1875.

21. The Local Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Local Board in manner by this section authorised shall be a charge upon and shall be paid out of the same funds rates and revenues as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such rates and revenues shall in each case

be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the prescribed period Provided always that the Local Board shall not invest any sinking fund in their own securities. A.D. 1894.

22. A person lending money to the Local Board shall not be bound to inquire as to the observance by the Local Board of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof. Protection of lenders from inquiry.

23. All mortgages granted by the Local Board subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act. Priority of existing mortgages.

24. The Local Board shall keep accounts in respect of their water undertaking separate from all their other accounts and shall apply all water revenue as follows (that is to say) :— Application of water revenue.

Firstly In payment of their costs charges and expenses of and incidental to the collecting and recovering of water revenue ;

Secondly In payment of the working and establishment expenses and cost of maintenance of the undertaking ;

Thirdly In providing the moneys required to pay the interest on moneys borrowed by them under this Act for the undertaking ;

Fourthly In providing the requisite instalments or sinking fund under this Act or otherwise making provision for repayment of the moneys borrowed under this Act for waterworks purposes ;

Fifthly In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they may from time to time think reasonable and investing the same and resulting income thereof in or upon any securities in or upon which the Local Board are or may be authorised to invest their sinking fund and accumulating the same at compound interest until the reserve fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Local Board from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Local Board in respect of that undertaking or to the improving and extending thereof and so that if that fund be at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction shall happen ;

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And the Local Board shall carry to the credit of the district fund so much of any balance remaining in any year as may in the opinion of the Local Board not be required for carrying on their water undertaking and paying the current expenses connected therewith and the annual proceeds of the reserve fund when amounting to two thousand pounds.

As to
deficiency
in receipts.

25. Any deficiency in the revenues and receipts of the Local Board on account of their water undertaking shall be from time to time made good out of the general district rates of the same or the next year in such manner as the Local Board may from time to time determine.

Application
of money
borrowed.

26. All money borrowed under this Act shall be applied only to purposes for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

Audit of
accounts.

27. Sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Local Board under this Act and to the audit of such accounts.

Annual
return to
Local
Government
Board with
respect to
sinking fund.

28. The clerk of the Local Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recovered under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Local Board have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any

portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

29. The Local Board shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Local Board shall from time to time be a sufficient discharge to the Local Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Local Board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Local Board not to regard trusts.

30. All expenses of the execution of this Act by the Local Board which are not otherwise provided for shall be defrayed by them out of the district fund and general district rate.

Expenses of execution of Act.

31. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875 The Local Board shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Inquiries by Local Government Board.

32. No justice or judge of any court or person acting as such shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any rate meter rent or charge under this Act.

Liability to water rent not to disqualify justices.

33. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Contents of summons &c.

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Costs of Act.

34. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of the moneys to be borrowed for the purpose under the provisions of this Act.

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