



CHAPTER CCXXXI.

An Act to constitute and incorporate a Joint Water Board consisting of representatives from the Councils of the Borough of Blackpool and the Urban Districts of Fleetwood Lytham and Saint Anne's-on-the-Sea all in the County Palatine of Lancaster and to transfer to and vest in such Board the undertaking of the Fylde Waterworks Company and for other purposes.

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[6th August 1897.]

WHEREAS the Fylde Waterworks Company (in this Act called "the company") have under and by virtue of the following Acts:—

- The Fylde Waterworks Act 1861 ;
- The Fylde Waterworks Act 1870 ;
- The Fylde Waterworks Act 1874 ;
- The Fylde Waterworks Act 1881 ;
- The Fylde Waterworks Act 1888 ;
- The Fylde Water Act 1891 ; and
- The Fylde Water Act 1896 ;

constructed certain waterworks and are supplying water within the borough of Blackpool and the urban districts of Fleetwood Lytham Saint Anne's-on-the-Sea Kirkham and other places :

And whereas it is expedient that the supply of water in the borough of Blackpool and the urban districts of Fleetwood Lytham and Saint Anne's-on-the-Sea should be under the control of a public authority and for that purpose a board should be constituted and incorporated as by this Act provided representing the mayor aldermen and burgesses of the borough of Blackpool (herein-after called "the corporation") and the urban district councils of Fleetwood Lytham and Saint Anne's-on-the-Sea (in this Act referred to as "the urban district councils") and that the undertaking of the company with all their rights powers duties obligations

A.D. 1897. and liabilities should be transferred to and vested in such Board accordingly and that the further powers contained in this Act should be conferred on the Board :

And whereas it is expedient that the Board should be authorised to borrow money for the purposes of this Act :

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

And whereas an absolute majority of the whole number of the council of the borough of Blackpool and of the respective urban district councils at meetings of those bodies respectively held on the thirtieth day of November one thousand eight hundred and ninety-six after ten clear days notice by public advertisement of such meetings respectively and of the purposes thereof as to the meetings of the said council of the borough of Blackpool and the said urban district council of Fleetwood in the Gazette and News for Blackpool Fleetwood Lytham Saint Anne's and Fylde district being a local newspaper published or circulating in the said borough and the said urban district of Fleetwood as to the meeting of the said urban district council of Lytham in the Lancashire Daily Post being a local newspaper published or circulating in the said urban district of Lytham and as to the meeting of the said urban district council of Saint Anne's-on-the-Sea in the Blackpool Herald being a local newspaper published or circulating in the said urban district of Saint Anne's-on-the-Sea such notices being in addition to the ordinary notices required for summoning such meetings resolved that it was expedient to promote the Bill for this Act :

And whereas such resolution of the said council of the borough of Blackpool was published twice in the said Gazette and News for Blackpool Fleetwood Lytham Saint Anne's and Fylde district being a local newspaper published or circulating in the said borough the said resolution of the said urban district council of Fleetwood was published twice in the Fleetwood Chronicle being a local newspaper published or circulating in the district of the last-mentioned council the said resolution of the said urban district council of Lytham was published twice in the Lytham Times being a local newspaper published or circulating in the district of the last-mentioned council and the said resolution of the said urban district council of Saint Anne's-on-the-Sea was published twice in the said Blackpool Herald being a local newspaper published or circulating in the district of the last-mentioned council and all the said resolutions have received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number

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of the council of the said borough and of the said respective urban district councils at further special meetings held in pursuance of similar notices as to the council of the said borough on the second day of February as to the urban district council of Fleetwood on the fourth day of February and as to the respective urban district councils of Lytham and Saint Anne's-on-the-Sea on the first day of February all in the year one thousand eight hundred and ninety-seven being in each case not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the said borough and of the other urban districts respectively by resolution in the manner provided in the Third Schedule to the Public Health Act 1875 have consented to the promotion of the Bill for this Act :

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 :—

Preliminary.

1. This Act may be cited as the Fylde Waterworks (Transfer) Act 1897. Short title.

2. The following provisions of the Commissioners Clauses Act 1847 are (except where inconsistent with or expressly varied by this Act) incorporated with and form part of this Act (that is to say) :— Commis-
sioners
Clauses Act
incorporated.

With respect to the meetings and other proceedings of the commissioners and their liabilities (except sections 45 46 48 and 52) ;

With respect to the contracts to be entered into and the deeds to be executed by the commissioners ;

With respect to the liabilities of the commissioners and to legal proceedings by or against the commissioners ;

With respect to the appointment and accountability of the officers of the commissioners ;

With respect to the making of byelaws ;

With respect to giving notices and orders ;

With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices ;

With respect to access to the special Act.

3. The several words and expressions to which by the Commissioners Clauses Act 1847 meanings are assigned shall in this Act Interpre-
tation.

A.D. 1897. have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the provisions of that Act incorporated with this Act for the purposes of this Act—

“The commissioners” means the Board:

And in this Act unless the context otherwise requires—

“The Board” means the Fylde Water Board incorporated by this Act;

“The corporation” means the mayor aldermen and burgesses of the borough of Blackpool;

“The urban district councils” means the urban district council of Fleetwood the urban district council of Lytham and the urban district council of Saint Anne’s-on-the-Sea;

“Constituent authority” means the corporation acting by the council or any one of the urban district councils as the case may be;

“The company” means the Fylde Waterworks Company;

“The company’s Acts” means the Acts relating to the company recited in the preamble to this Act;

“Clerk” means the clerk to the Board;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Board and securities transferable by delivery.

Water limits. 4. The limits of this Act for the supply of water by the Board shall after the transfer include the borough of Blackpool the respective districts of the urban district council of Fleetwood the urban district council of Lytham the urban district council of Saint Anne’s-on-the-Sea and the urban district council of Kirkham the district of the port sanitary authority of Fleetwood the respective districts of the rural district council of the Fylde and the rural district council of Garstang (except the township of Bleasdale in the last-named district) the township of Woodplumpton in the district of the rural district council of Preston the township of Cockerham in the district of the rural district council of Lancaster all in the county of Lancaster and all other (if any) the existing water limits of the company.

Constitution of the Board.

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5. For the purpose of carrying this Act into execution there shall be a joint board of such members constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of the Fylde Water Board with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

Incorporation of Board.

6. The constitution of the Board shall (subject to the provisions of this Act) be as follows:—

Constitution of Board.

Seven members to be appointed by the council of the borough of Blackpool;

Three members to be appointed by the urban district council of Fleetwood;

Three members to be appointed by the urban district council of Lytham; and

Two members to be appointed by the urban district council of Saint Anne's-on-the-Sea.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held within six weeks from the passing of this Act or within such further time as the Local Government Board shall by order allow and the members so appointed shall subject to the provisions of this Act continue in office till the first Wednesday in the month of April one thousand nine hundred.

Appointment of members.

(2) Each constituent authority shall at a meeting of their body held on or within twenty-eight days before the first Wednesday in the month of April one thousand nine hundred appoint the number of members of the Board whom they are by this Act authorised to appoint to hold office till the first Wednesday in the month of April one thousand nine hundred and three and so on from time to time at the expiration of every successive period of three years.

8. If any constituent authority fail to appoint first members of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if any constituent authority fail to appoint members of the Board at any subsequent period of three years the then existing members of the Board representing such authority shall continue in office till their successors are appointed.

Provisions where failure to appoint members.

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Qualification
of members
of Board.

9. A person shall not be qualified to be a member of the Board unless he is a member of the council of the constituent authority by which he is appointed.

Members to
be disquali-
fied on
ceasing to be
members of
constituent
authorities.

10. If a member of the Board appointed by a constituent authority ceases to be a member of such constituent authority or becomes disqualified he shall also cease to be a member of the Board but such disqualification shall not apply if he only goes out of office by rotation as a member of such constituent authority and is thereupon re-elected.

Occasional
vacancies.

11. If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent authority whom he represented may if they think fit at any time after the happening of such vacancy appoint a member of the Board in his place from amongst themselves and every member of the Board so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

Appointment
of members
to be certified
to Board.

12. Whenever an appointment of a member of the Board has been made the clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the town clerk of the borough of Blackpool and on every subsequent appointment to the clerk of the Board.

First and
other
meetings of
the Board.

13. The Board shall hold their first meeting at the Town Hall in Blackpool on the third Wednesday after their appointment at twelve o'clock at noon (unless some other day or time or place shall be appointed for the purpose by the Local Government Board and then on such day and at such time and place as shall be so appointed) and other meetings of the Board (including their annual meetings) shall be held on such days at such times and at such places as the Board may from time to time appoint.

Power to
call special
meetings.

14. In addition to the meetings to be held by appointment of the Board the chairman of the Board for the time being or any two or more members of the Board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly provided that at least two clear days notice thereof shall be given to each member of the Board.

Error
failure &c.
not to

15. Any act of the Board or of any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the

appointment of any member of the Board or by reason of any person not qualified or ceasing to be qualified acting as a member of the Board or by reason of any failure or omission on any occasion on the part of any constituent authority to appoint any member of the Board or by reason of any other irregularity error failure or omission in or about any appointment or in or about any matter preliminary or incidental thereto.

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invalidate
acts done &c.

16. The first meeting of the Board shall be convened by the town clerk of the borough of Blackpool and every subsequent meeting shall be convened by the clerk to the Board and every meeting shall be convened by circular delivered to each member of the Board or sent by post to or delivered at his residence two clear days at least before the day of the meeting.

As to
convening
meetings.

17. The number of members of the Board present to constitute a meeting of the Board shall be five.

Quorum.

18. The Board may appoint and may remunerate a clerk a manager an engineer a treasurer and such other officers clerks and servants as they from time to time think requisite and all officers and servants so appointed shall be removable by the Board at their pleasure No member of the Board or of any of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of any constituent authority.

Officers of
Board.

19.—(1) If at any time within one year from the passing of this Act the Kirkham Urban District Council shall desire to be represented upon the Board and of that desire shall give not less than six months notice in writing to the clerk and obtain the consent of the Local Government Board thereto the Kirkham Urban District Council shall be entitled to appoint one representative upon the Board and thereupon the Kirkham Urban District Council shall become one of the constituent authorities The Kirkham Urban District Council shall within one month after they shall have become a constituent authority pay to the Board the same proportion of the costs and expenses of and incident to the promotion of the Bill for this Act as they would have had to pay if they had been a constituent authority at the time of the passing of this Act and the amount so paid to the Board shall be applied in the same manner as the proceeds of sale of surplus lands are by this Act required to be applied.

Power for
Kirkham
Urban
District
Council to
become
constituent
authority.

(2) In the event of the Kirkham Urban District Council becoming a constituent authority the number of representatives which the Urban District Council of Lytham are entitled to appoint shall be

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Member for Kirkham may appoint a proxy.

20. In the event of the Urban District Council of Kirkham becoming a constituent authority the member for the time being representing that council may appoint some person being a member of that council as his proxy to represent him from time to time during his tenure of office at all or any meetings of the Board and to vote on all questions coming before such meetings. Provided that the person so appointed be approved of by the said urban district council (such approval being signified in writing on the instrument appointing the proxy and signed by the clerk of the said urban district council). The instrument appointing the proxy may be in the form set out in the First Schedule to this Act and shall be forwarded to and retained by the Board.

Power to alter number of members.

21. On the application of any of the constituent authorities the Local Government Board may after inquiry and prior notice thereof to the constituent authorities by order alter the number and proportion of members to be appointed by the constituent authorities and may make any provisions incident to or consequential on such alteration including an alteration in the number of members to form a quorum.

Arbitration.

22. If at any time any difference arises between the Board and any of the constituent authorities respecting any matter arising out of the provisions of this Act the same shall be referred to and be settled by the Local Government Board or by an arbitrator appointed by them.

Purchase of Water Undertaking.

Company to sell their undertaking to the Board.

23.--(1) The company shall sell to the Board and the Board shall purchase the undertaking of the company for such sum in gross and on such terms and conditions as may be agreed upon between the company and the Board or as failing such agreement shall be determined by arbitration in manner provided by the Lands Clauses Acts and the Board shall give notice to the company to treat for the purchase of the undertaking not later than six months after the constitution of the Board.

(2) In addition to the sum to be paid by the Board to the company under the foregoing provisions of this Act the Board shall

pay to the company the costs charges and expenses to be incurred by them of and incident to the winding-up of the company and the distribution of their assets.

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(3) The provisions of the Lands Clauses Acts relating to the settlement of questions of disputed compensation by arbitration are incorporated with and form part of this Act and in the construction of the said provisions "the special Act" means this Act "the promoters of the undertaking" means the Board and "lands" the undertaking of the company.

24. The receipt in writing of three directors of the company for any money paid to the company by the Board shall effectually discharge the Board from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misappropriation or non-application thereof Provided that if from any cause the Board are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Board by the cashier of the said Bank for the money which shall have the same effect as the receipt of such three directors.

Receipt for purchase money.

25.—(1) On payment by the Board of the amount of purchase money to the company or on payment of the amount into the Bank of England under the provisions of this Act the undertaking of the company with their rights powers privileges authorities duties and obligations shall by virtue of this Act become and shall thenceforth be transferred to vested in and imposed on the Board subject to the provisions of this Act and such transfer and vesting is in this Act referred to as "the transfer."

Transfer.

(2) The production of a Queen's Printers copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the company or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Board of the company's undertaking.

26. Every officer and servant of the company (but not including the directors or ordinary workmen) in the regular and exclusive employment of the company on the first day of January one thousand eight hundred and ninety-seven and at the date of the transfer who shall not be retained by the Board in the same or similar office or employment and on the same terms and conditions

Compensation to officers &c.

A.D. 1897. shall be entitled to compensation in respect of loss of office or employment or diminution of salary wages or emolument such compensation unless agreed on between the Board and the person claiming the same shall be settled by a single arbitrator under and according to the provisions of the Arbitration Act 1889.

Mortgage debt of company to be a charge on undertaking.

27. The mortgage debt of the company and the interest thereon shall after the transfer of the undertaking of the company and until discharged be a first charge on the water undertaking of the Board :

Provided that nothing in this or in any other section of this Act contained shall affect the priority of any rent rentcharge or sum reserved by or payable under any conveyance or lease granted to the company in pursuance of the company's Acts or any Acts incorporated therewith and which is entitled to rank in priority to or *pari passu* with the interest on the company's mortgages or debenture stock.

Pending actions.

28. If at the time of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against or in favour of the Board as and when it might have been continued prosecuted and enforced against or in favour of the company if this Act had not been passed but not further or otherwise.

Contracts of company to be binding on Board.

29. All agreements contracts conveyances deeds and other instruments affecting the company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Board and may be enforced as fully and effectually as if instead of the company the Board had been a party thereto.

Application of purchase money.

30. The company shall hold the purchase money paid to them by the Board under this Act in trust to pay apply and distribute the same amongst the shareholders and stockholders of the company according to the amount of maximum dividend payable to each shareholder or stockholder and for the purpose of such distribution the several persons whose names shall appear in the books of the company at the time of the transfer to be the proprietors of shares or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders or stockholders of the company and the receipt in writing of such persons or of their executors or administrators or of the committee

or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share stock or interest in respect whereof that money is paid.

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31. Where the directors of the company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the county court of Lancashire holden at Blackpool under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the company and directors from all further liability with respect to the money so paid.

Payment
into court
by directors.

32. So soon as conveniently may be after the transfer the affairs of the company shall be wound up and for that purpose the directors of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the distribution of the purchase money and all other sums of money paid to the company by the Board and for winding-up the affairs of the Company and when and so soon as such moneys have been distributed and their affairs have been wound up the company shall be by virtue of this Act dissolved.

Winding-up
and dissolution
of
company.

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

33. The company shall bear and pay all outgoings including interest on their mortgage debt and shall be entitled to all rents charges and receipts in respect of the undertaking up to the date of the transfer and all rents charges and receipts not then paid or received but attributable to any period before that date shall be apportioned and so much thereof as is so attributable shall be accounted for and paid over by the Board to the company but if there be any surplus over and above so much as is necessary to pay the maximum dividends payable to the shareholders of the company such surplus shall be applied towards the payment of the deficiency in the amount of divisible profits in previous years.

Company to
pay out-
goings and
be entitled
to receipts
till transfer.

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Books &c.
to remain
evidence.

Application
of company's
Acts to the
Board.

34. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Board.

35. As from the transfer all the powers rights privileges authorities duties and obligations of the company under the company's Acts shall be by virtue of this Act transferred to vested in and imposed on the Board and those Acts shall be read and have effect as if the Board had been therein named instead of the company subject nevertheless and according to the following exceptions and provisions (namely):—

(1) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with the company's Acts shall not apply to the Board :

(2) None of the provisions of the company's Acts or of any Acts incorporated therewith in any manner relating to the share or loan capital of the company or to any limitation of the amount of profit to be received by the company or undertakers or to the constitution meetings or directors of the company shall apply to the Board :

(3) Section 47 of the Fylde Waterworks Act 1861 is hereby repealed :

(4) Section 35 of the Waterworks Clauses Act 1847 shall be read and apply as if the words "shall be not less than six pounds per centum on the expense of providing and laying down such pipes" were inserted in lieu of the words "shall be not less than one-tenth part of the expense of providing and laying down such pipes" And notwithstanding that the aggregate amount of water rate payable by the owners or occupiers making such requisition shall not equal such six pounds per centum such owners or occupiers shall be entitled to require such water supply by paying such additional sum as with the amount of the water rate shall together equal the six pounds per centum and for the purpose of section 35 of the Waterworks Clauses Act 1847 as applied to the Board the said additional sum shall be deemed to be part of the aggregate amount of water rate For the purposes of this subsection the expression "water rate" shall have the meaning assigned to it by the Waterworks Clauses Act 1847.

Price of
water inside
and outside
district to be
the same

36. The charge for water supplied by the Board both within and beyond the districts of the constituent authorities shall be the same under the like circumstances and the water as regards filtration shall in all cases be similar and as regards pressure shall be

the same throughout the districts of all the district councils within the water limits so far as the relative levels of such districts will admit. A.D. 1897.
and supply
similar.

37. Any district council or person complaining of unfair treatment by the Board in regard to the supply of water beyond the districts of the constituent authorities or in regard to the charges therefor shall be at liberty to appeal to the Local Government Board and that Board may after inquiry make such order in the matter as to the Local Government Board may seem fair and equitable and the order so made shall be binding and conclusive on all parties. Appeal to
Local
Government
Board as to
supply out-
side districts
of constituent
authorities.

38. From and after the expiration of eighteen months from the transfer the charges for the supply of water to farms and cattle troughs within the water limits of the Board shall not exceed the rates and charges specified in the second schedule to this Act and the terms and conditions mentioned in that schedule shall apply to such supply. Charges for
supply of
water to
farms.

39. As from the transfer the annual sum to be payable to the Board by the Right Hon. Frederick Arthur Earl of Derby by way of guarantee under section 35 of the Waterworks Clauses Act 1847 for the laying down by the company of certain pipes to the hamlet of Treales in the existing water limits of the company shall be the sum of forty pounds eighteen shillings and four pence instead of the annual sum of sixty-eight pounds two shillings hitherto payable to the company. As to certain
annual sums
payable by
Lord Derby.

40. As from the transfer the annual sums to be payable to the Board by John Talbot Clifton by way of guarantee under section 35 of the Waterworks Clauses Act 1847 for the laying down by the company of certain pipes for the supply of water to the following farms and other neighbouring premises all within the existing water limits of the company shall be the respective annual sums following instead of the respective annual sums hitherto payable to the company that is to say in respect of five farms at Peel the annual sum of twenty-four pounds two shillings and five pence instead of the annual sum of thirty-two pounds three shillings and three pence in respect of Warton Hall and Saltcoats farms the annual sum of thirty-three pounds nineteen shillings and six pence instead of the annual sum of forty-five pounds six shillings in respect of a farm at Westby the annual sum of six pounds seventeen shillings and five pence instead of the annual sum of nine pounds three shillings and two pence and in respect of Smith's farm at the Hey Houses the annual sum of two pounds five shillings instead of the annual sum of three pounds. As to certain
annual sums
payable by
Mr. J. T.
Clifton.

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Maintenance of
undertaking
by company
till transfer.

41. Until the transfer the undertaking of the company shall be maintained and carried on by the company as heretofore in the ordinary course of business but the company shall not without the previous consent of the Board under the hand of their clerk make or enter into any contract agreement or obligation except such as shall be necessary to carry into execution existing contracts for works authorised by the Fylde Water Act 1896 and such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Board to
have powers
of urban
sanitary
authority for
supply of
water.

42. The Board shall within the districts of the constituent authorities have and enjoy and may exercise on and from the transfer all the powers rights and authorities of an urban district council under the Public Health Acts with respect to the supply of water Provided that notwithstanding anything in the Public Health Acts contained the rates to be charged for the supply of water shall be the rates authorised by the company's Acts.

Power to
purchase
lands by
agreement.

43. The Board may for the purposes of this Act purchase take and hold by agreement in addition to the lands which they may acquire from the company any lands and hereditaments not exceeding in the whole ten acres which the Board may from time to time require for the purposes of their works and undertaking but the Board shall not create or permit the creation or continuance of any nuisance on any such lands.

Restriction
on taking
houses of
labouring
class.

44. The 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 purpose of this section the expression "labouring class" means and includes mechanics artisans 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 of such persons who may be residing with them.

Power to
supply
adjoining
districts.

45. The Board may with the sanction of the Local Government Board supply water by agreement to the local authority of any district beyond the limits of supply of the Board Provided that it shall not be lawful for the Board to supply water under any such

agreement within the limits of supply of any corporation district council or company without their consent. A.D. 1897.

46. Section 176 (Regulations as to purchase of land) and section 303 (Power to repeal and alter local Acts) of the Public Health Act 1875 shall extend and apply to and may be exercised by the Board as if they were a local authority within the meaning of those sections and the Local Government Board may make such orders as they are by those sections empowered to make on the petition or application of a local authority. Extension of sections 176 and 303 of the Public Health Act 1875 to the Board.

47. If at any time after the transfer any local authority whose district or any part thereof is within the water limits of the Board but beyond the districts of any of the constituent authorities shall give not less than six months notice in writing to the Board of their desire to purchase such portion of the water mains and plant of the Board as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the said water mains and plant of the Board (except the aqueducts mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the water limits of the Board) and to supply water within such district then it shall not be lawful for the Board to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Board shall sell and such local authority shall purchase the portion of the water mains and plant of the Board (except as aforesaid) within the district of such local authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purchase under the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The Board shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Board to supply water within the district of the purchasing authority shall (except as provided by the section of this Act the marginal note of which is "Board to supply water in bulk to certain local authorities") cease and determine. Sale of portion of plant to other local authorities.

48. The Board shall if so required by any local authority having powers of water supply whose district is within the water limits of the Board but beyond the districts of any of the constituent Board to supply water in bulk to certain

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local
authorities.

authorities afford to such local authority such quantity of water in bulk as shall be required for the supply of the district of that authority at such price and delivered at such point upon or within the boundaries of such district as may be agreed upon or failing agreement be determined by arbitration or if there are no water mains or plant of the Board in such district then at the nearest practicable point upon the then existing mains of the Board at which such supply can be afforded.

Financial Provisions.

Power to
borrow.

49.—(1) The Board may from time to time borrow at interest any sum or sums of money for the purposes following (that is to say):—

(1) For the purchase of the undertaking of the company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Board (other than the costs of this Act) for the payment of the mortgage debt of the company and for the completion of the works authorised by the Fylde Water Act 1896 the sum requisite for those purposes;

(2) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose:

And with the approval of the Local Government Board such further moneys as the Board may require for any of the purposes of this Act or otherwise in relation to their water undertaking.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Board may mortgage or charge the revenue of their water undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect within the districts of the constituent authorities under the powers of this Act.

Mode of
raising
money.

50. The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of such issue under the last-mentioned Act the Board shall be deemed a local authority under that Act and the revenue of their undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect shall be deemed to be the local rate as defined by the said Act:

Provided that the Board shall not invest any moneys standing to the credit of any sinking fund in their own securities and the provisions of this Act in regard to the formation of sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

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

Provisions of Public Health Act as to mortgages to apply.

- Section 236 Form of mortgage ;
- Section 237 Register of mortgages ;
- Section 238 Transfer of mortgages.

52. The Board shall pay off all moneys borrowed by them under this Act and the mortgage debt of the company which at the time of the transfer shall be owing within the respective periods (in this Act referred to as "the prescribed period") following (that is to say) :—

Periods for discharge of loans.

- As to moneys borrowed for the purpose (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the date or dates of the borrowing of the same ;
- As to the mortgage debt of the company within fifty years from the time of the transfer ;
- As to money borrowed for the purpose (2) in the said section mentioned within ten years from the date or dates of the borrowing of the same ;
- As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

53. The Board shall pay off all moneys borrowed by them under the powers of this Act and the mortgage debt of the company either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall as regards moneys borrowed for the purpose (1) mentioned in the section of this Act the marginal note whereof is "Power to borrow" be made not later than the thirty-first day of March in the second year after the transfer and as regards all other borrowed moneys shall be made not later than the thirty-first day of March next following the time of borrowing the sum in respect of which the payment is made and in respect of the mortgage debt of the company next following the date of transfer Provided that as

Mode of payment off of money borrowed.

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Sinking
fund.

54.—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act or the mortgage debt of the company such sinking fund shall be formed and maintained either—

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

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Board:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Board in addition to the payments provided for by this Act.

(7) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Board shall increase the payments to such extent as will cause the sinking fund to be sufficient for the purpose aforesaid.

(8) If the Board desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Board may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which

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Protection of lender from inquiry.

55. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Board not to regard trusts.

56. The Board shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the 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.

Appointment of receiver.

57.—(1) The mortgagees of the Board by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

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

Power to re-borrow.

58. If the Board pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

59.—(1) The treasurer to the Board shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment

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or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

60. All moneys borrowed by the Board under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Application of money borrowed.

61. The proceeds of the sale of any surplus lands of the Board and all moneys received by them by way of fine or premium on any lease and other receipts in the nature of capital other than borrowed moneys shall be distinguished as capital in the accounts of the Board and shall be applied in discharge of moneys borrowed by the Board or in redemption of the mortgage debt taken over by the Board but shall not be applied in the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application of moneys arising from sale &c. of land.

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Board may
issue stock.

62. The Board shall be deemed to be an urban authority within the meaning of Part V. of the Public Health Acts Amendment Act 1890 and to have adopted that Part of the Act and the Board may exercise their borrowing powers by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained.

Borrowing
powers for
current
expenses.

63. In order to raise such money as may be necessary to defray the current annual expenditure of the Board until their revenues shall be collected the Board may borrow during the currency of any financial year in addition to the other sums authorised to be borrowed on the security of such revenues any sum or sums not exceeding in the whole one half of the approximate amount of such revenues for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished at or before the end of the then current year out of the moneys in the hands of the Board on revenue account.

Application
of water
revenue.

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

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

Secondly In payment of the interest on the mortgage debt of the company until redemption ;

Thirdly In payment of the interest on moneys borrowed by the Board under this Act ;

Fourthly In providing the requisite instalments or sinking fund payments in respect of moneys borrowed under this Act and of the mortgage debt of the company ;

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

Lastly. The surplus (if any) including the interest on the reserve fund when such fund amounts to thirty thousand pounds shall from time to time be applied in reduction of the water rents and charges when and as circumstances shall permit the same to be done but the Board may retain in hand at the close of any financial year so much of the surplus as they shall think necessary for the purpose of carrying on the undertaking and paying the current expenses connected therewith.

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65.—(1) If in any year there is a deficiency in the net revenue of the Board the Board are hereby authorised and required in every such case forthwith to ascertain and determine the amount of such deficiency and to apportion the same between the several constituent authorities.

Deficiency
in revenue
of Board to
be made
good by
constituent
authorities.

(2) The amount of the deficiency shall be apportioned between the constituent authorities in the proportions which the valuations of the respective districts of the constituent authorities bear to the total valuations of the districts such valuations being ascertained according to the valuation lists for the time being in force for the rate for the relief of the poor.

(3) The Board shall issue precepts to the constituent authorities for the amounts so respectively apportioned and the constituent authorities respectively shall within two months from the receipt of such precepts pay to the Board the amounts so apportioned to them respectively.

(4) Such amounts respectively shall be paid by the constituent authorities out of their respective district funds and general district rates which funds and rates are hereby charged with the payment of the same accordingly and the constituent authorities respectively are hereby authorised and required to make and levy any rate that may be necessary for the purposes aforesaid.

(5) If any constituent authority fails to pay any amount so apportioned within the time aforesaid the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of four pounds per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

(A) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction;

(B) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting

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authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

(6) Any receiver appointed under this Act shall be entitled to receive the amounts so apportioned by the Board to the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

Audit.

66. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Board and of their committees and officers and to the audit thereof Provided that the accounts of the Board shall be made up yearly to the thirty-first day of March in each year.

Inquiries
by Local
Government
Board.

67.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under 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.

(2) The Board shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Justices not
disqualified.

68. No person shall be incapable of acting as a justice in the execution of this Act by reason of his being a member of the Board or of his being liable to the payment to the Board of any water rent or rate.

69. All costs charges and expenses of and incident to the preparing 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 in the first instance be paid by the constituent authorities out of any of their funds or rates in the same proportions as they are required by this Act to contribute to any deficiency in the net revenue of the Board but shall be repaid to the constituent authorities by the Board out of the moneys to be borrowed by them under the powers of this Act.

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Costs of
Act.

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SCHEDULES.

THE FIRST SCHEDULE.

FORM OF PROXY.

To

THE FYLDE WATER BOARD.

In pursuance of the power in that behalf given to me by the Fylde Waterworks (Transfer) Act 1897 I being a member of the Fylde Water Board and representing the Urban District Council of Kirkham on that Board do hereby appoint _____ of _____ being a member of the said council as my proxy to attend all or any of the meetings of the Board in my absence to represent me and to vote on my behalf from time to time during my tenure of office as the representative of the said urban district council.

Dated the _____ day of _____ .

Member of the Board representing
the Urban District Council of
Kirkham.

The above-named
of Kirkham as proxy of

is approved of by the urban district council

Clerk to the said Urban District Council.

THE SECOND SCHEDULE.

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SCALE OF CHARGES FOR FARMS AND CATTLE TROUGHS.

	Mixed and Grass Farms.	Arable Farms.
	Not exceeding per annum. £ s. d.	Not exceeding per annum. £ s. d.
For a farm up to 10 statute acres -	0 15 0	0 12 6
„ „ from 10 to 20 statute acres	1 0 0	0 13 9
„ „ „ 20 „ 30 „ „	1 5 0	0 15 0
„ „ „ 30 „ 40 „ „	1 10 0	0 16 3
„ „ „ 40 „ 50 „ „	1 15 0	0 17 6
„ „ „ 50 „ 60 „ „	2 0 0	1 0 0
„ „ „ 60 „ 70 „ „	2 5 0	1 2 6
„ „ „ 70 „ 80 „ „	2 10 0	1 5 0
„ „ „ 80 „ 90 „ „	2 15 0	1 7 6
„ „ „ 90 „ 100 „ „	3 0 0	1 10 0
„ „ „ 100 „ 110 „ „	3 2 6	1 11 3
„ „ „ 110 „ 120 „ „	3 5 0	1 12 6
„ „ „ 120 „ 130 „ „	3 7 6	1 13 9
„ „ „ 130 „ 140 „ „	3 10 0	1 15 0
„ „ „ 140 „ 150 „ „	3 12 6	1 16 3
„ „ „ 150 „ 160 „ „	3 15 0	1 17 6
„ „ „ 160 „ 170 „ „	3 17 6	1 18 9
„ „ „ 170 „ 180 „ „	4 0 0	2 0 0
„ „ „ 180 „ 190 „ „	4 2 6	2 1 3
„ „ „ 190 „ 200 „ „	4 5 0	2 2 6
„ „ „ 200 „ 210 „ „	4 7 6	2 3 9
„ „ „ 210 „ 220 „ „	4 10 0	2 5 0
„ „ „ 220 „ 230 „ „	4 12 6	2 6 3
„ „ „ 230 „ 240 „ „	4 15 0	2 7 6
„ „ „ 240 „ 250 „ „	5 0 0	2 10 0
„ „ „ 250 „ 260 „ „	5 2 6	2 11 3
„ „ „ 260 „ 270 „ „	5 5 0	2 12 6
„ „ „ 270 „ 280 „ „	5 7 6	2 13 9
„ „ „ 280 „ 290 „ „	5 10 0	2 15 0
„ „ „ 290 „ 300 „ „	5 12 6	2 16 3

1. The above charges include water supply for domestic use (except for baths and extra waterclosets which are to be charged at the customary extra rate) and entitle the consumer to have one supply by ball cock inside the farmyard from which to fill a trough within the said yard. All other troughs to be charged a sum not exceeding ten shillings each per annum in addition.

2. Any person requiring a trough or troughs but no water for domestic purposes or within a farmyard shall be charged a sum not exceeding one pound per annum for each trough. The Board may require at least one trough to be provided (or if not provided then the charge to be paid which would be payable in respect thereof if the same were provided) for every forty acres or portion of forty acres of the land used or occupied by such person.

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3. Agricultural steam engines up to 5-horse power the boilers of which are supplied by the Board's water to be charged a sum not exceeding one pound each per annum.

4. The above charges apply to persons occupying lands (including accommodation lands) purely and simply for agricultural purposes. The Board will decide which lands are used as aforesaid and their decision shall be accepted as final.

5. No trough to be fixed without the consent of the Board. All troughs shall be of such materials and design as shall be approved by the Board and shall be subject to such test at a charge not exceeding two shillings each test as shall be determined by the Board. All fittings to be supplied by the Board and all connexions with the main to be made by the Board at the expense of the owner or tenant and to be paid for before the water is turned on.

6. All applications for water supply not complying with these conditions must be the subject of special arrangement.

7. For the purposes of this schedule a farm shall be deemed to be an arable farm and not a mixed farm if not more than one eighth of the total area of the lands held therewith is meadow or pasture land.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
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