CHAPTER li.

An Act to confer further powers on the Belfast City and District Water Commissioners. [7th August 1912.]

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WHEREAS by the Belfast Water Acts 1840 to 1903 the Belfast City and District Water Commissioners (hereinafter called "the Commissioners") were incorporated and by those Acts their powers were from time to time regulated and extended:

And whereas by the Belfast Water Act 1893 (hereinafter called "the Act of 1893") the Commissioners were authorised for the purpose of supplementing their existing sources of supply to intercept the waters of the Kilkeel River and the Annalong River respectively and to construct a storage reservoir in the valley of the Kilkeel River in the Mourne Mountains and an aqueduct about forty miles in length for conveying the said waters to the city of Belfast together with a service reservoir and other subsidiary aqueducts railways roads and works incidental thereto and the period limited by the said Act for the completion of the said reservoir and works will expire on the twenty-seventh day of July one thousand nine hundred and thirteen:

And whereas by the Belfast Water Act 1897 (hereinafter called "the Act of 1897") the Commissioners were authorised to construct a reservoir in the valley of the said Annalong River for the purpose of storing the waters of the said river authorised by the Act of 1893 to be intercepted and were authorised to construct other works for the improvement of the works authorised by the Act of 1893:

And whereas by the Belfast Water Act 1903 (hereinafter called "the Act of 1903") the Commissioners were authorised

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to alter the position of the embankment of the reservoir in the valley of the Kilkeel River authorised by the Act of 1893:

And whereas the Commissioners have purchased the lands required for the construction of the reservoirs and works immediately connected therewith authorised by the Act of 1893 (as varied by the Act of 1903) and the Act of 1897 and the lands forming the drainage areas of the said reservoirs and have constructed the aqueducts authorised by the Acts of 1893 and 1897 and are by means of weirs and other works authorised by the said Acts of 1893 and 1897 collecting and conveying the waters of the Kilkeel and Annalong Rivers to the city of Belfast and are distributing the same within their limits of supply but the Commissioners have not yet constructed the reservoir in the valley of the Kilkeel River or the reservoir in the valley of the Annalong River:

And whereas the supply of water obtained from the said rivers cannot be adequately maintained to meet the increasing demands of the inhabitants and traders in the Commissioners' area of supply unless the reservoir in the valley of the Kilkeel River authorised by the Acts of 1893 and 1903 is constructed and the Commissioners propose therefore to proceed immediately with the construction thereof and it is expedient that the time limited for the completion thereof and of the other works authorised by the Act of 1893 should be extended as in this Act provided:

And whereas the construction of the reservoir in the valley of the Annalong River authorised by the Act of 1897 is not immediately but will be eventually required for the supply of water to the Commissioners' area of supply and it is expedient that so much of the Act of 1897 as limits the time for the completion of those works authorised by the Act of 1897 which have not yet been constructed should be repealed:

And whereas the Commissioners were authorised by the Belfast Water Act 1899 to construct certain conduits and other works in the city of Belfast for the purpose of conveying the waters to be impounded by the reservoirs authorised by the Acts of 1893 and 1897 and it is expedient that the powers of the Commissioners for the compulsory purchase of lands required for those works should be revived and extended as in this Act provided:

And whereas it is expedient that the Commissioners should be authorised to purchase the additional lands hereinafter

described for the protection of the waters supplied from their waterworks:

And whereas it is expedient that the Commissioners should be authorised to borrow further moneys for the construction of the said reservoir authorised by the Acts of 1893 and 1903 and for the purchase of the said additional lands and for the general purposes of their undertaking:

And whereas the Commissioners are authorised by the Belfast Water Act 1884 to levy a domestic rate on dwelling-houses limited to one shilling and eightpence in each pound of annual value and a public rate on all other kinds of property equal to one-fourth part of the amount in the pound payable for the domestic rate from time to time and a rate of twopence in each pound of annual value on agricultural lands in the occupation of one person:

And whereas by virtue of section 1 of the Trustee Act 1893 the water stock issued by the Commissioners is a security in which trust funds may be lawfully invested so long as the domestic rate levied by the Commissioners does not exceed four-fifths of the amount of the rates which they are authorised to levy:

And whereas the Commissioners are now levying a domestic rate of one shilling and fourpence in the pound and cannot raise the said rate beyond that amount without the said water stock ceasing to be available for the investment of trust funds:

And whereas it is expedient that the Commissioners should be enabled to increase the domestic and public rates as in this Act provided:

And whereas it is expedient that the other powers in this Act contained should be conferred on the Commissioners:

And whereas plans showing the lands authorised to be taken under the compulsory powers of this Act and a book of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the respective clerks of the peace for the counties of Antrim and Down and are hereinafter respectively referred to as the deposited plans and book of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and

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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):—

Short title.

1. This Act may be cited as the Belfast Water Act 1912.

Citation of Acts.

2. This Act and the Belfast Water Acts 1840 to 1903 may be cited as the Belfast Water Acts 1840 to 1912.

Incorporation of Acts.

3. The Lands Clauses Acts and so much of the Commissioners Clauses Act 1847 as relates to the borrowing of money on mortgage except where expressly varied by or inconsistent with this Act are incorporated with and form part of this Act And in the said incorporated Acts or any of them or in any Acts incorporated therewith or with this Act unless there be something in the subject or context repugnant to the respective constructions hereinafter defined the expressions "the promoters" "the promoters of the undertaking" "the undertakers" and "the company" mean respectively the Commissioners and the word "secretary" means the secretary of the Commissioners.

Interpretation.

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

And in this Act—

"The Act of 1840" means the Belfast Water Act 1840;

"The Act of 1874" means the Belfast Water Act 1874;

"The Act of 1884" means the Belfast Water Act 1884;

"The Act of 1893" means the Belfast Water Act 1893;

"The Act of 1897" means the Belfast Water Act 1897;

"The Act of 1899" means the Belfast Water Act 1899;

"The Act of 1903" means the Belfast Water Act 1903;

"The Commissioners" means the Belfast City and District Water Commissioners acting under the Belfast Water Acts 1840 to 1903 and this Act.

Extending time for construction of reservoir in Kilkeel Valley and other works authorised by Act of 1893.

5. The time limited by section 20 of the Act of 1893 for the completion of the storage reservoir in the valley of the Kilkeel River (Work No. 1) by that Act authorised as altered and varied by the Act of 1903 and for the completion of other works authorised by the Act of 1893 (that is to say) the railway (Work No. 4) and the conduit (Work No. 6) the weir (Work

No. 7) and the conduits (Works Nos. 13 and 14) is hereby extended until the twenty-seventh day of July one thousand nine hundred and twenty-five and on that day the powers granted to the Commissioners by the Acts of 1893 and 1903 for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided that the Commissioners shall on or before the twenty-seventh day of July one thousand nine hundred and thirteen pay to the occupiers of the lands taken and intended hereafter to be used by the Commissioners for the purpose of constructing the Railway No. 4 authorised by the Act of 1893 as compensation for the extension of time by this section granted for the use of the said lands a sum equal to one-half of the respective amounts which have been awarded by the arbitrator appointed under and pursuant to the Railways Act (Ireland) 1851 to the occupiers respectively by his award dated the thirtieth day of September one thousand eight hundred and ninety-seven for the taking and use by the Commissioners of the said lands for the said purpose exclusive of any amount which may have been awarded to the said respective occupiers for consequential damage by severance or the injurious affecting of adjoining lands Except as by this section specially provided the Commissioners shall not be required to pay compensation for extension of time to the parties interested in any lands taken and intended to be used by the Commissioners for the purposes of the said Railway No. 4.

Extending time for completion of reservoir in Annalong Valley and other works authorised by Act of 1897.

6. Section 43 (Period for completion of works) of the Act of 1897 is hereby repealed Provided that the Commissioners shall on or before the twenty-seventh day of July one thousand nine hundred and thirteen pay to occupiers of the lands taken and intended hereafter to be used by the Commissioners for the purpose of constructing the Railway No. 2 authorised by the Act of 1897 as compensation for the removal by this section granted of the restriction of time fixed by the said section for the use of the said lands a sum equal to one-quarter of the respective amounts which have been awarded by the arbitrator appointed under and pursuant to the Railways Act (Ireland) 1851 to the occupiers respectively by his award dated the twelfth day of July one thousand nine hundred for the taking and use by the Commissioners of the said lands for the said purpose exclusive of any amount which may have been awarded to the said respective occupiers for consequential damage by severance or the injurious affecting of adjoining lands Except as by this section specially provided the Commissioners shall not be required

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to pay compensation for extension of time to the parties interested in any lands taken and intended to be used by the Commissioners for the purposes of the said Railway No. 2.

Accommodation for workmen employed on construction of reservoirs.

7.—(1) The Commissioners shall erect fit up and maintain or provide—

(A) Such huts or buildings for the accommodation of the persons employed in and about the construction of the Reservoir Work No. 1 authorised by the Act of 1893 and the Reservoir Work No. 1 authorised by the Act of 1897;

(B) Such hospital accommodation for the treatment of cases of sickness or accident among such persons including accommodation for dealing with infectious diseases;

(C) Such proper and sufficient sanitary accommodation in connection with every such building and hospital;

as shall be required by the Local Government Board for Ireland having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works.

(2) The Commissioners shall pay all reasonable costs incurred under subsection (1) of this section including the costs and expenses of the medical and surgical treatment of any person employed in the construction of the said works who is treated in hospital accommodation erected or provided by the Commissioners.

(3) Any inspector of the said Local Government Board or other person authorised by them shall be entitled at any time to enter into and inspect and examine any such building or hospital in order to ascertain that the same is provided with proper and sufficient sanitary arrangements and that overcrowding is not permitted therein If such inspector or other person be obstructed in the performance of his duty under this subsection the person so obstructing shall be liable on summary conviction to a fine not exceeding forty shillings.

(4) If the Commissioners fail to arrange for the provision or maintenance of such buildings hospitals or accommodation in accordance with the provisions of this section or to comply with any direction or requirement of the said Local Government Board in relation thereto they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day on which the offence is continued after

conviction and such penalties may be recovered by the said Local Government Board by action in the High Court or in the case of penalties not exceeding one hundred pounds before a court of summary jurisdiction.

(5) The said Local Government Board may direct any inquiries to be held which they may deem necessary for giving effect to any of the provisions of this section and inspectors of the said 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 (Ireland) Acts 1878 to 1907.

(6) The Commissioners shall pay to the said 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 and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

For protection of corporation of Belfast.

8. For the protection of the corporation of Belfast (hereinafter referred to as "the corporation") the following provisions shall unless otherwise agreed in writing between the corporation and the Commissioners apply and be binding on the Commissioners in addition to the provisions of section 29 of the Act of 1893 and section 28 of the Act of 1899:—

(1) Before proceeding with the construction of the Works Conduit No. 5 and the Bridge or Aqueduct Work No. 6 authorised by the Act of 1899 the Commissioners shall give one year's notice in writing to the corporation of their intention to commence such works and shall in that notice state whether they intend to carry Conduit No. 5 under or over the railway of the Great Northern Railway Company (Ireland) and if within one year after receiving such notice stating that the Commissioners intend to carry the Conduit No. 5 over the said railway the corporation serve notice in writing on the Commissioners requiring them to construct the said works as a footbridge together with the consent in writing of the Great Northern Railway Company (Ireland) then the Commissioners shall subject to the provisions of the Act of 1899 in relation to the said works construct the said works in such form and of such dimensions and materials

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as to be suitable as a footway for traffic between Bendigo Street and Stewart Street with suitable approaches for connecting the said footway with the said streets But nothing in this Act shall authorise or require the Commissioners to take or use for the purposes of the said footway or approaches any lands other than those which they are authorised by the Act of 1899 to acquire and the Commissioners shall allow the said footway to be used for the public passage of foot-passengers and shall maintain to the reasonable satisfaction of the corporation the said footway and approaches and the structure on which the same is or are supported Provided that the said footway and approaches shall be lighted and cleansed by the corporation:

2) The Commissioners shall before commencing the construction of any works in connection with which any part of the said footway (including the approaches thereto) is to be provided submit plans sections and specifications thereof to the corporation and shall not construct the said works unless and until the said plans sections and specifications shall have been reasonably approved by the city surveyor or in the event of difference by an arbitrator under the provisions of this section Provided that if the city surveyor does not within twenty-eight days after such plans sections and specifications shall have been submitted to him signify his approval disapproval or other directions he shall be deemed to have approved the same:

(3) In the event of the said works being constructed in accordance with the foregoing requirements of this section the corporation shall pay to the Commissioners such proportion of the cost of constructing the same as may be agreed upon between them or as failing agreement may be determined by arbitration to be the additional cost to the Commissioners of constructing the said works so as to be suitable for the passage of foot-passengers and shall thereafter pay to the Commissioners from time to time such amount as may be agreed or determined as aforesaid to be the additional expense to the Commissioners of

maintaining repairing and altering the said works consequent on the use thereof as a public footway:

(4) Nothing in this section contained shall diminish the right of the Commissioners to use repair alter or enlarge the said works in such manner as may in their judgment be necessary or expedient for the purposes of their undertaking provided always that the passage of foot-passengers along the said footway shall not be stopped or impeded longer than may be reasonably necessary:

(5) The corporation shall be responsible for any injury sufferred by any foot-passenger resulting from the defective lighting or cleansing of the said footway and shall indemnify the Commissioners against all claims demands and expenses made against them for any such injury:

(6) Notwithstanding anything to the contrary contained in the Act of 1893 the Act of 1899 or this Act the Commissioners shall not alter the levels of Ormeau Bridge or of the approaches thereto:

(7) Before the Commissioners interfere with or alter the position of any main pipe or apparatus laid down or used by the corporation for the purposes of or in connection with their gas undertaking or any cable wire pipe or apparatus laid down or used in connection with their tramways undertaking the Commissioners shall (except in cases of emergency) give to the corporation notice of their intention to do so specifying the time at which they will begin to do so such notice to be given forty-eight hours at least before the commencement of the work involving the interference or alteration and such work shall be done under the superintendence (at the expense of the Commissioners) of the corporation unless the corporation refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work and the Commissioners shall execute such work to the reasonable satisfaction of the city surveyor:

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(8) The Commissioners shall not alter the position of any main pipe or apparatus used for the supply of gas so as to leave over such main pipe or apparatus in any part a covering of less than two feet where the covering now existing is not less than two feet unless the Commissioners shall in such case protect such main pipe or apparatus from injury by artificial covering to the satisfaction of the city surveyor or more than six feet where the covering now existing does not exceed six feet or more than such existing covering where the same exceeds six feet unless the Commissioners in such case provide special means of access to the same to the reasonable satisfaction of the city surveyor:

(9) Any such interference with any cable wire pipe or apparatus used in connection with the tramways undertaking shall be carried out so as not to interrupt or interfere with the supply of electrical energy for working the tramways under the superintendence and in accordance in all respects with the reasonable requirements of the city surveyor:

(10) If within forty-eight hours after a notice under the provisions of this section shall have been served upon the corporation the corporation by notice in writing addressed to the Commissioners so elect they shall themselves execute to the reasonable satisfaction of the Commissioners such alterations to their cables wires mains pipes and apparatus as may be necessary and the reasonable costs of executing such alterations shall be repaid by the Commissioners to the corporation:

(11) The Commissioners shall pay to the corporation compensation for any damage caused in the execution of any works of the Commissioners to any property of the corporation not contributed to by the act or default of the corporation:

(12) If any difference shall arise between the corporation or the city surveyor and the Commissioners or their engineer under the provisions of this section such difference shall be determined by an engineer to be agreed upon by the Commissioners and the corporation or failing agreement by an arbitrator to be appointed

upon the application of either party with notice to the other by the Commissioners of Public Works in Ireland The expenses of such arbitration shall be defrayed as the arbitrator may direct and the award of the arbitrator may be made a rule of court on the application of either party under and in accordance with the Common Law Procedure Amendment Act (Ireland) 1856 or any statutory modification thereof:

(13) The provisions of this section shall be in addition to and not in derogation of the rights of the corporation under the provisions with respect to the breaking up of streets and the laying of mains contained in the Waterworks Clauses Act 1847.

Revival of powers for compulsory purchase of lands for works authorised by Act of 1899.

9. The powers for the compulsory purchase of lands required for the construction of the Works Nos. 5 6 and 7 authorised by and described in section 7 of the Act of 1899 are hereby revived and subject to the provisions contained in or incorporated with that Act may be exercised by the Commissioners for a period of three years after the passing of this Act and on the expiration of that period shall cease.

Additional lands for waterworks undertaking.

10. Subject to the provisions of this Act the Commissioners may enter upon and take compulsorily or by agreement and use for the purposes of their undertaking and for protecting their waterworks against nuisances encroachment or injury the lands hereinafter in this section described and shown on the deposited plans and described in the deposited book of reference (that is to say):—

In the county of Antrim—rural district of Larne—

Parish of Saint Nicholas or Carrickfergus—

Townland of North-east Division—

(A) Certain lands known as Barrons' Hill situate near Lough Mourne:

(B) Certain lands known as Bryans' Farm situate near Lough Mourne:

(C) Certain lands known as Owens' Farm situate near Lough Mourne:

Townland of West Division—

(D) Certain lands known as Humphreys' Farm situate near the Upper South Woodburn Reservoir:

Townland of Commons—

(E) Part of certain lands known as Stewart's Farm situate near the North Woodburn Reservoir:

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(F) Certain lands forming part of the lands known as McLean's Farm near Lough Mourne:

Townlands of Middle Division and Commons—

(G) Certain lands known as Smith's Farm situate near the North Woodburn Reservoir:

In the county of Antrim—rural district of Lisburn—
Parish of Magheragall townland of Ballynadolly and parish of Ballinderry townland of Derrykillultagh—

(H) Certain lands situate at the Forked Bridge Filters of the Commissioners:

Parish of Derryaghy townlands of Ballymacward Lower and Island Kelly—

(I) Certain lands situate at Stonyford Conduit Works of the Commissioners:

Parish of Derryaghy townland of Ballymacward Upper—

(J) Certain lands situate near the Leathemstown Reservoir Works of the Commissioners:

In the county of Down—rural district and parish of Kilkeel—
Townland of Ballinran Upper—

(K) Certain lands situate near the entrance to the Silent Valley and being the farms occupied by Hanna Trousdale and Mulvenny:

Townland of Mullartown—

(L) A strip of land situate between the Annalong River and the road constructed by the Commissioners.

Provided that where the Commissioners under the provisions of this Act seek to acquire for protective purposes within their catchment areas any portion of a holding existing at the passing of this Act they shall if so required by the owner or occupier purchase the whole of such holding.

For protection of Lisburn Rural District Council.

11. For the protection of the rural district council of Lisburn in the county of Antrim (in this section called "the council") the following provisions shall unless otherwise agreed between the council and the Commissioners be observed and have effect (that is to say):—

(1) Notwithstanding anything in this Act contained or shown on the deposited plans the Commissioners shall not acquire any lands in the rural district of Lisburn described or referred to in subsections (H) (I) or (J) of the section of this Act of which the marginal

note is "Additional lands for waterworks undertaking" unless and until they shall have adopted such measures with regard to the subsidence and purification of the waste or other waters from sand washing or other purification process to be discharged into the natural watercourses in the Lisburn rural district as the council may reasonably require in order to prevent the pollution or fouling of such watercourses by the discharge of such waste or other waters:

(2) The Commissioners shall at all times after the acquisition of the said lands referred to in subsection (1) of this section use the sand washing subsidence and purification tanks and works incident thereto and shall maintain the same in good repair and in proper and efficient working order to the reasonable satisfaction in all respects of the council:

(3) For the purpose of ascertaining that the provisions of this section are being complied with by the Commissioners the said sand washing subsidence and purification tanks and all works in connection therewith shall be open at all reasonable times to the inspection of the engineer of the council or any person nominated by him in writing in that behalf who shall have power to take samples of the said waste or other waters for examination:

(4) Any difference which may from time to time arise between the council and the Commissioners with respect to any matter under this section shall unless otherwise agreed be referred to and settled by an engineer who shall failing agreement be appointed by the Commissioners of Public Works in Ireland on the application of either party.

Restriction on displacing persons of working class.

12.—(1) The Commissioners shall not under the powers of this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December last were occupied either wholly or partly by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board for Ireland any house or houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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(2) If the Commissioners acquire or appropriate any house or houses under the powers of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court in Ireland and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if they think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means mechanics artisans labourers and others 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 in any case does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Period for compulsory purchase of lands.

13. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Persons under disability may grant easements &c.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement right or privilege (not being an easement right or privilege of water in which any persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements or rights as aforesaid respectively.

Use of lands purchased by Commissioners.

15. The Commissioners may hold the lands or any of the lands acquired by them under the powers of this Act which they may deem necessary for protecting their waterworks from pollution and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided always that the Commissioners shall not on any such lands create or permit a nuisance or erect or authorise or permit the erection on any

such lands whilst so held by them of any buildings except for the purposes of offices or buildings requisite for their undertaking or houses for their officers caretakers or labourers.

Power to let lands on terms.

16. The Commissioners may let for such period not exceeding three years and subject to such reservations and restrictions as they think fit any land acquired under this Act on the terms that such land shall not be broken up for tillage but shall be used wholly as pasture or meadow and that no buildings shall be erected thereon and that on the expiration of the period for which the letting was made the land shall revert to the Commissioners discharged from all claims by the person to whom such letting was made or his representatives or assigns Provided that the conditions of this section with respect to letting shall be inserted in every lease or agreement made by the Commissioners.

Lands may be planted with trees.

17. The Commissioners may plant with trees any lands or any portion of any lands for the time being belonging to them in such manner as they may deem necessary or expedient for the purpose of protecting any of their reservoirs or waterworks or the water collected therein against pollution fouling contamination or injury or otherwise for the purpose of benefiting the undertaking of the Commissioners and such lands shall not by reason of being planted as aforesaid be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

Saving rights of Antrim County Council.

18. Nothing in this Act contained shall be construed to affect any rights of way or easements of draining water or of support or otherwise to which the county council of the county of Antrim are now entitled in connection with existing county roads.

Application of existing funds to purposes of Act.

19. The Commissioners may apply for the purposes of this Act any moneys borrowed or to be borrowed by them under the Belfast Water Acts 1840 to 1903.

Power to borrow further moneys.

20. For the purposes of this Act and the general purposes of the undertaking the Commissioners may from time to time borrow on mortgage of the rates to be assessed and levied under the authority of the Belfast Water Acts 1840 to 1903 and this Act and the other revenues of the undertaking of the Commissioners the balance of any sum or sums which they are authorised to borrow under the Belfast Water Acts 1840 to 1903 and also such further sum or sums of money not exceeding the

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sum of five hundred thousand pounds as shall from time to time in their judgment be requisite and they may grant mortgages for securing the money so borrowed charged on the said rates and revenues Provided always that the amount borrowed previous to the passing of this Act and remaining due at that date under the authority of the Belfast Water Acts 1840 to 1903 and the interest thereon shall be charged upon the rates leviable or the income derivable under the Belfast Water Acts 1840 to 1903 and this Act in the same manner and to the same extent as such amount was charged upon the rates leviable or the income derivable under the Belfast Water Acts 1840 to 1903.

Application of existing Acts to exercise of borrowing powers.

21. The following sections of the Act of 1899 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

Section 39 (Appointment of receiver);

Section 40 (Application of Commissioners Clauses Act 1847 with respect to mortgages);

Section 42 (Power to re-borrow);

Section 43 (Mortgages to have priority over all other claims against Commissioners);

Section 44 (Repayment of mortgages);

Section 45 (Power to issue stock);

Section 47 (Return to Local Government Board);

Section 48 (Application of moneys).

Existing mortgages to have priority.

22. All mortgages granted by the Commissioners in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Act under which such mortgages were respectively granted have priority over any mortgages granted by the Commissioners by virtue of this Act.

Sinking fund.

23. The Commissioners shall pay off the moneys borrowed under this Act within a period of sixty years from the respective dates of borrowing the same by equal yearly or half-yearly instalments of principal or principal and interest or by means of a sinking fund appropriated for that purpose and the accumulations thereof calculated at the rate of three per centum per annum which sinking fund shall be such as the Local Government Board for Ireland having regard to the provisions

of this section approve The sinking fund and the accumulations thereof shall be applied by the Commissioners in and towards the redemption and extinction or the purchase and extinction of mortgages or stock issued by the Commissioners and outstanding Provided that if in any year the Commissioners cannot advantageously redeem or purchase mortgages or stock they may invest the instalment of the sinking fund temporarily in the purchase of statutory securities Provided also that the redemption and extinction or the purchase and extinction of any such mortgage or stock shall not relieve the Commissioners from the obligation to make and maintain the accumulations hereinbefore referred to.

Application of sinking fund in lieu of borrowing.

24. The Commissioners may at any time apply the whole or any part of any sinking fund as follows:—

(1) Where the Commissioners are authorised by any borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power to raise the said money either wholly or partially by using for such purpose any money for the time being forming part of the sinking fund and moneys so raised shall for the purposes of this Act be deemed to be moneys borrowed under a borrowing power Provided that when exercising this power the Commissioners shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(B) Credit the sinking fund with the repayment of an amount of the moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amounts so credited shall be deemed to be moneys discharged by application of such sinking fund to the repayment of borrowed moneys;

(c) Debit the account of the borrowing power proposed to be exercised with an amount of the moneys equal to the sums withdrawn from the sinking fund and thereupon the borrowing power shall be deemed to have been exercised as fully

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as if the said amount had been raised by the issue of a fresh security and the provisions of this Act as to repayment and reborrowing shall apply thereto accordingly :

(2) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Commissioners shall determine Provided that the amount of the moneys deemed to be discharged in respect of any borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

Borrowing on cash credit.

25. Section 36 (Power to borrow on cash credit) of the Act of 1893 shall be read and construed so as to authorise the Commissioners for the purpose of borrowing on cash credit to make and grant assignments of the rates for the time being leviable by them but so that the whole sum due and owing by the Commissioners on cash account and for money borrowed by them on bonds or on mortgages or assignments or by the issue of stock shall not when taken together exceed the sums which the Commissioners are for the time being authorised to borrow for the purposes of their undertaking.

Temporary investment of borrowed money.

26. The Commissioners may from time to time invest temporarily on statutory securities any sum raised under the provisions of this Act and not for the time being required for the purpose for which it is raised.

Increasing amount of reserve fund.

27. Section 48 (Reserve fund) of the Act of 1893 shall be read and have effect as if the amount of the reserve fund authorised to be accumulated thereby had been one hundred thousand pounds instead of fifty thousand pounds and the Commissioners may from time to time apply the reserve fund temporarily for the purpose of paying off mortgages Provided that all moneys forming part of the reserve fund and so used shall be repaid to the reserve fund out of moneys charged to capital account within five years from the date of their application as aforesaid

Defining statutory securities.

28. In and for the purposes of the Belfast Water Acts 1840 to 1903 and this Act the expression "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 stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Loans Acts 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Commissioners.

Appointment of bank as treasurers.

29. The treasurer directed by the Act of 1840 to be appointed by the Commissioners may be a joint stock banking company and such company shall be answerable to the Commissioners in accordance with the Act of 1840 for any default in like manner as if they had been named as treasurer Provided always that notwithstanding anything contained in section 82 of the Act of 1840 it shall not be necessary for the Commissioners to take security from any such bank for the execution of the office of treasurer.

Expenses of water supply conferences.

30. The Commissioners may out of the revenues of their undertaking pay reasonable subscriptions whether annually or otherwise to the funds of any society having for its object the scientific study of water supply and any association of water supply authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply and any reasonable expenses of the attendance of any of the Commissioners or their officers not exceeding in any case four who may be appointed by the Commissioners to attend at conferences or meetings of the said associations held within the United Kingdom.

Houses for workmen.

31.—(1) The Commissioners may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their undertaking and may erect and maintain dwelling-houses for such persons upon any lands for the time being belonging to the Commissioners for the purposes of their undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Commissioners for the purposes of their undertaking.

(2) Section 69 (Power to build houses for workmen) of the Act of 1884 and section 60 (Amendment of section 69 of Act of 1884) of the Act of 1893 are hereby repealed.

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Allowances to workmen during temporary disablement.

32. The Commissioners may if they think fit in cases not within the Workmen's Compensation Act 1906 grant such gratuities or allowances as they may deem just not exceeding one year's wages to any of their officers or servants who may be temporarily disabled or injured or may become incapacitated through sickness.

Altering age limit for pensions.

33. Section 33 (Power to grant superannuation allowances) of the Act of 1874 shall be read and have effect so that the age of a clerk officer or servant to whom the Commissioners may grant a pension or allowance shall be sixty years instead of sixty-five years as mentioned in that section.

Altering limit of water rates.

34. Section 51 (Limit of rates) of the Act of 1884 is hereby amended and shall be read and have effect as if the limit of the domestic rate mentioned in subsection (A) of the said section were two shillings and sixpence instead of one shilling and eightpence.

Hotels &c. assessed to public water rate.

35. All hotels clubs barracks or institutions of a public nature supplied by the Commissioners with water under the provisions of section 67 (Supply for other than domestic purposes) of the Act of 1893 shall be assessed to the public water rate and not to the domestic water rate.

Rating of schools and hospitals.

36. Nothing in the Belfast Water Acts 1840 to 1903 or this Act shall exempt the Belfast Poor Law Guardians or any public body as defined by section 23 of the Local Government (Ireland) Act 1902 from the payment of water rates in respect of hospitals and school buildings belonging to them.

For protection of Belfast Poor Law Guardians.

37. For the protection of the Belfast Poor Law Guardians (in this section referred to as "the guardians") the following provisions shall have effect notwithstanding anything contained in the Belfast Water Acts 1840 to 1903 and this Act:—

(1) The Belfast Union Workhouse including the infirmaries hospitals nurses' home school buildings workshops laundry and other property of the guardians forming part of the said workhouse and any additions thereto which may hereafter be made and hereinafter referred to as "the workhouse" shall be assessed to the public water rate and not to the domestic water rate:

(2) The guardians shall pay to the Commissioners for all water supplied to the workhouse the charges current in the city of Belfast for supplies of water by meter and meter rent and the meters to be used for regis-

tering the quantity of water so supplied shall be placed in such positions as the Commissioners and the guardians may have agreed or may hereafter agree and the amount payable by the guardians shall be calculated on the aggregate of the quantities of water registered by the said meters but until the expiration of five years after the passing of this Act the Commissioners shall make no charge to the guardians for one quarter of the amount of water supplied by the Commissioners to the portion of the workhouse containing the infirmaries hospitals nurses' home and school buildings:

(3) The Commissioners shall not require the guardians to make any alteration in the existing water-pipes or fittings in the workhouse buildings except such alterations as may be necessary to permit the supply of water by the Commissioners to the guardians to be measured by means of the said meters.

Commissioners may accept water rates on provisional valuations.

38. The Commissioners may accept rates on any provisional valuation issued by the General Tenement Valuation Department during the currency of any year.

Summary proceedings for recovery of water rates.

39. If any person assessed or liable to any rate made by the Commissioners under the Belfast Water Acts 1840 to 1903 and this Act fails to pay the same when due and for the space of seven days after the same has been lawfully demanded in writing or if any person quits or if the Commissioners have reason to believe that he is about to quit any premises without payment of any such rate then due from him in respect of any such premises and refuses to pay the same after lawful demand thereof in writing any justice may summon the defaulter to appear before a court of summary jurisdiction to show cause why the rate in arrear should not be paid and if the defaulter fails to appear or if no sufficient cause for non-payment is shown the court may make an order for payment of the same and in default of compliance with such order may by warrant cause the same to be levied by distress of the goods and chattels of the defaulter The costs of the levy of arrears of any rate may be included in the warrant for such levy.

Examination and testing of fittings.

40. The Commissioners may make reasonable charges for the examination and testing of valves cocks and other apparatus which they are by the Belfast Water Acts 1840 to 1903

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authorised to prescribe and approve for the purpose of preventing the waste misuse undue consumption or contamination of water.

Commissioners to provide and charge for couplings.

41. The Commissioners may provide and supply but shall not manufacture couplings or union fittings for connecting the pipes of the Commissioners with the consumers' service pipes and may make a reasonable charge for the same and the Commissioners may prohibit the use for such purposes of any other couplings than those provided by them as aforesaid.

Withdrawal of plumbers' licence on breach of byelaws.

42. When any person licensed by the Commissioners under the powers of section 35 (Commissioners to make byelaws as to laying service pipes) of the Act of 1874 offends against any byelaw duly made by the Commissioners the Commissioners may instead of proceeding for penalties against such person summon him before a court of summary jurisdiction and upon conviction of any such offence the Commissioners may cancel or withdraw the licence granted to such person.

Application of penalties.

43. All penalties recovered under the Belfast Water Acts 1840 to 1903 or under any byelaw thereunder shall except in the case of penalties recovered against the Commissioners be paid to the Commissioners and carried to the credit of the revenue of their undertaking.

Costs of Act.

44. All costs charges and expenses of and incident to the preparing obtaining and passing of this Act or otherwise in relation thereto (as the same shall be taxed by the taxing officer of either House of Parliament) shall be paid by the Commissioners out of the rates authorised to be levied or the moneys authorised to be borrowed by the Belfast Water Acts 1840 to 1903 and this Act and if paid out of borrowed money shall be repaid within five years from the passing of this Act.

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