CHAPTER xx.

An Act to empower the Urban District Council of Burley-in-Wharfedale in the township of Burley in the parish of Otley in the West Riding of the county of York to construct and maintain additional waterworks and for other purposes. [6th June 1899.]

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WHEREAS the district of Burley-in-Wharfedale in the township of Burley in the parish of Otley in the West Riding of the county of York (in this Act called "the district") which comprises the township of Burley is an urban sanitary district within the meaning of the Public Health Act 1875 and an urban district within the meaning of the Local Government Act 1894 and was prior to the appointed day referred to in the last-mentioned Act under the management and control for sanitary and other purposes of the Local Board of Health for the district of Burley and is now under and by virtue of the said Act of 1894 under the management and control of the Urban District Council of Burley-in-Wharfedale (in this Act called "the Council"):

And whereas the Council are under and subject to the provisions of the Burley Local Board Waterworks Act 1873 (in this Act called "the Act of 1873") the owners of the waterworks and supply water within the district:

And whereas the supply of water from the present waterworks of the Council is inadequate to meet the existing and growing demands of the inhabitants of the district and it is expedient that the Council be empowered to construct the additional waterworks and to purchase the existing private reservoirs and to acquire the water supply by this Act authorised:

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

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

And whereas an absolute majority of the whole number of the members of the Council at a meeting held on the ninth day of November one thousand eight hundred and ninety-eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Yorkshire Post a local newspaper circulating in the district of the Council such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said Yorkshire Post and has 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 of the Council at a further special meeting held in pursuance of a similar notice on the seventeenth day of January one thousand eight hundred and ninety-nine being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the district of the Council by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections of the works authorised by this Act showing the lines situation and levels thereof and showing also the lands intended to be taken compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York at his office at the County Hall Wakefield and with the clerk of the Burley-in-Wharfedale Urban District Council at his office Royal Oak Chambers Otley aforesaid and are in this Act respectively referred to as the deposited plans sections and book of reference:

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

Short title.

1. This Act may be cited as the Burley-in-Wharfedale Urban District Water Act 1899.

Incorporation of Acts.

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

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" and except section 83 of the last-mentioned Act).

Interpretation.

3. In this Act unless the context otherwise requires—

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

"The clerk" means the clerk of the Council.

Execution of Act.

4. This Act shall be carried into execution by the Council.

Limits of Act.

5. The limits of this Act for the supply of water shall be the district.

New works to form part of existing waterworks undertaking.

6. Subject to the provisions of this Act the waterworks to be constructed and acquired under the authority of this Act shall for all purposes whatsoever inclusive of water rents rates and charges be deemed part of the existing waterworks and to be comprised in the waterworks undertaking of the Council and the special and general Acts regulating the said undertaking shall be construed and applied accordingly.

Power to construct works.

7. Subject to the provisions of this Act the Council may wholly in the township of Burley in the parish of Otley in the West Riding of the county of York and in the lines and situations and upon the lands delineated on the deposited plans and described in the

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deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1.—A reservoir to be called Carr Bottom Reservoir to be situate on Carr Beck on Burley Common to be formed by a dam across the said Beck:

Work No. 2.—A line of pipes commencing at the said Carr Bottom Reservoir in or near the said Carr Beck and terminating in the inlet valve shaft of the existing reservoir of the Council situated at Hollin Nook:

Work No. 3.—A line of pipes commencing by a junction with Work No. 2 aforesaid in Moor Lane and terminating at or near the intersection of that road by the said Carr Beck.

Power to make subsidiary works.

8. The Council in addition to the foregoing works may upon any lands for the time being belonging to them make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices bywashes weirs gauges wells tanks filter-beds dams walls bridges roads approaches engines machinery buildings and appliances necessary or convenient to the said works or for the inspection maintenance cleansing and working the same.

Limits of deviation.

9. In the construction of the works by this Act authorised the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir five feet upwards and ten feet downwards and in the case of all other works to any extent not exceeding five feet upwards and ten feet downwards Provided as follows (that is to say):—

(1) If it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of the dam the Council may within the limits of deviation in the construction thereof and of the works connected therewith deviate vertically from the levels of such dam reservoir and works as shown with reference to the datum line to any extent; but

(2) The Council shall not construct the dam of such reservoir of a greater height above the surface of the ground than that shown on the deposited sections in respect of the corresponding dam and three feet in addition;

(3) Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground except so far as is shown on the deposited sections.

Power to take lands.

10. Subject to the provisions of this Act the Council may enter upon take and use compulsorily or by agreement such of the lands shown on the deposited plans and described in the book of reference as they require for the purposes of this Act.

Power to acquire additional lands.

11. Subject to the provisions of this Act the Council in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use compulsorily or by agreement the following lands shown upon the deposited plans and described in the deposited book of reference (that is to say) :—

(1) Certain lands situate on Burley Common otherwise Burley Moor in the township of Burley in the parish of Otley in the West Riding of the county of York together with the two reservoirs and waterworks thereon erected known as and consisting of Higher Lanshaw Reservoir and Lower Lanshaw Reservoir with the catchwaters diversions cuts and other works connected therewith respectively together with all water rights and other rights therein or appertaining thereto or held and enjoyed therewith belonging or reputed to belong to Sophie Crofton widow of the Hall Burley-in-Wharfedale aforesaid or her trustees Wilfrid Henry Hudleston of Cayton Hall near Ripley in the county of York Esquire and William Heinikin Horsfall of Westhorpe Great Smeaton Northallerton in the county of York Esquire (herein-after called "the trustees") :

(2) Certain areas of land on Burley Common aforesaid viz. :—

(A) An area of land for the purposes of the said Carr Bottom Reservoir not exceeding eleven acres ;

(B) An area of land around Higher Lanshaw Reservoir ;

(C) An area of land around Lower Lanshaw Reservoir ;

The said areas (B) and (C) not to exceed in the aggregate five acres :

Together with all rights and interests therein Provided that any fences hereafter erected under the powers of this Act for the protection of the reservoirs shall consist of either open iron or post and rail fences not exceeding 4 feet in height and shall be erected as near to the edge of the respective reservoirs as is practicable.

For protection of Menstone Waterworks Company Limited.

12.—(1) The Council shall not without the consent of the Menstone Waterworks Company Limited or their successors take or use any of the lands on Burley Moor described in the deposited plans and lying east of the line F G delineated with the red colour

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on the plan signed in duplicate by Alfred Baldwin Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred nor shall they without the like consent appropriate either directly or indirectly any water which may be or be found in or under any such lands lying east of the said line.

(2) The said plans signed as aforesaid shall within six months after the passing of this Act be deposited in the Private Bill Office of the House of Commons and in the office of the Council and copies of the plan deposited in the office of the Council in pursuance of this section and certified by the clerk to be true copies shall be received in all courts of justice and elsewhere as primâ facie evidence of the contents of such plan.

Power to take waters.

13. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the streams known as Carr Beck and Coldstone Beck and all such springs streams and waters on Burley Common aforesaid as are will or may be intercepted by the works by this Act authorised to be acquired or constructed or as may be found in on or under any of the lands for the time being belonging to the Council.

For protection of Mrs. Sophie Crofton.

14. For the protection of the said Sophie Crofton or other the Lord or Lady for the time being of the Manor of Burley (all of whom are herein-after referred to as "the owner") the rights of fowling and sporting in and over the Carr Bottom Higher Lanshaw and Lower Lanshaw Reservoirs respectively and upon any lands belonging to the owner which may be taken by the Council under the powers of this Act are exclusively reserved to the owner and for that purpose the owner and any person authorised by the owner shall have free access to the same and may carry away and appropriate all game and other birds and fowl taken or killed thereon Provided nevertheless that rights by this section reserved shall not be exercised so as to injure the dam or other works of the reservoir or to foul the water of the reservoir and shall not in any way interfere with the right of the Council at all times to draw off the water from the reservoir and to do all such acts and things as may be necessary for cleaning repairing and maintaining the reservoir and the works connected therewith or for preventing the water therein from being fouled.

Council may acquire easements only in lands

15. Subject to the provisions of this Act the Council may purchase take and use compulsorily or by agreement any rights or easements in under over or connected with any lands houses or

buildings delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of the works hereby authorised or of this Act Provided always that nothing herein contained shall authorise the Council to acquire by compulsion any such easement or right in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement or right only and every notice to treat for the acquisition of an easement or right shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Council for the purpose of constructing or laying any aqueducts conduits or lines of pipes therein where the same are laid underground the Council shall not (unless they purchase such lands and not merely easements or rights therein) be required or (except where otherwise agreed with the owners and occupiers of such lands) entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being of such lands shall (except where otherwise agreed) at all times except during the construction cleansing renewal or repair of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Council.

for certain purposes.

16. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

17. The Council may from time to time for the purposes of this Act take by agreement and hold in addition to the lands which they are authorised to take by compulsion any lands within the limits of this Act for the supply of water not exceeding in the whole at one time fifteen acres or any easement or right (not being an easement or right to take water in which others than the parties to the agreement have a right or interest) in or over such additional lands but no buildings shall be erected on such lands except buildings required in connexion with the waterworks of the Council.

Power to acquire additional lands by agreement.

18. In addition to the lands springs streams water easements and rights which the Council are by this Act otherwise authorised to purchase the Council may from time to time for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment or injury take by agreement and hold any lands near the said Carr Bottom Reservoir and within the present

Power to take additional lands by agreement for protection of works.

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drainage area of the said Carr Bottom Reservoir and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Council shall not so long as the same are held by the Council create or permit the creation of any nuisance upon such lands and no buildings shall be erected on such lands except buildings required in connexion with the waterworks of the Council.

Power to take easements &c. by agreement.

19. 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 Council any easement right or privilege (not being an easement or right to take water in which persons other than the parties to the agreement have any right or interest) required for the purpose of constructing the works hereby authorised or for other purposes of this Act or for the purposes of the water undertaking of the Council 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 rights and privileges as aforesaid respectively.

Power to retain lands.

20. The Council may retain hold and use for such time as they think fit any lands purchased by them or taken by them under the powers of this Act for the purposes of this Act or of their undertaking and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Council shall not so long as the same are held by the Council create or permit the creation of any nuisance upon such lands and no buildings shall be erected upon such lands except buildings required in connexion with the waterworks of the Council.

Application of moneys from sale &c. of land.

21. The Council shall apply all moneys received from time to time by them in respect of any sales or dispositions of lands and premises authorised by this Act or any of the Acts incorporated herewith or by way of fine or premium on any lease in or towards paying off moneys borrowed and for the time being owing under this Act Provided that such proceeds shall not be applicable to the payment of instalments appropriations or other annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

As to compensation water.

22.—(1) The Council shall before they commence to abstract or appropriate any of the waters authorised to be taken by this Act

permit or cause to flow as compensation water down the stream affected not less than eighteen thousand six hundred gallons during the twenty-four hours of each day The said flow shall be regular and continuous throughout each day.

(2) The Council shall before they appropriate or abstract any of the water by this Act authorised to be taken construct and for ever after maintain suitable measuring gauges at or near the Carr Bottom Reservoir over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of all persons interested therein and of the County Council of the West Riding of Yorkshire and their officers and agents.

(3) In case of any neglect on the part of the Council to maintain any such gauges in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the Council shall for every day on which such neglect occurs forfeit and pay upon summary conviction to the county council and to each of the persons affected thereby (who may sue for and recover the same within one month after such failure) the sum of five pounds but not exceeding in the whole twenty-five pounds in respect of any one day in which such failure shall occur.

(4) The provisions of this section shall be accepted and taken as full compensation for all water by this Act authorised to be diverted taken used and appropriated by the Council for the purposes of their water undertaking.

For prevention of plumbism.

23.—(1) All water supplied by the Council whether in bulk or otherwise and used for dietetic purposes shall not act on lead in a manner injurious to public health and if in the opinion of the medical officer of the county council it shall be proved to act in such manner it shall before delivery be efficiently and continuously filtered through such material or shall be so chemically treated as to prevent the action of such water on lead or on any material used for the construction of pipes cisterns or other receptacles into the manufacture of which lead enters in a manner injurious or liable to prove injurious to public health.

(2) On the receipt of such opinion of the said medical officer of the county council the Council shall forthwith construct and thenceforward maintain the necessary apparatus and appliances to prevent such action.

(3) If after due notification the Council shall fail to construct such apparatus or appliances or apply such treatment as shall

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efficiently prevent such action or shall fail thenceforward to efficiently maintain the same or shall at any time supply water in such a condition as to be capable of such action they shall be liable to a penalty not exceeding ten pounds for every day on or on any part of which any infringement of this section shall occur and such penalty shall be recoverable summarily at the instance of the county council.

(4) For the better enforcement of the provisions of this section any person duly authorised by the county council may at any time enter on the property of the Council for the purpose of inspecting the apparatus and appliances and materials used for filtering or treating the water as the case may be and may take samples of the water in duplicate and shall thereupon before he carries away the same from the property of the Council seal up and mark such samples and shall leave one of such samples with the person if any in charge of the property and any person who molests hinders or obstructs any such person in the performance of his duty under this section shall be liable to a penalty not exceeding five pounds for every such offence.

Restriction on taking houses of labouring class.

24. The Council shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which on the fifteenth day of December last were or have been since that date or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for completion of works.

25. The works hereby authorised shall be completed within seven years from the passing of this Act and on the expiration of such period the powers by this Act granted to the Council for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power for Council to borrow.

26. The Council may from time to time independently of any other borrowing power borrow at interest on the security of the revenue of their water undertaking and if they think fit as a collateral security the district fund and general district rate as follows (that is to say) :—

(A) For the purpose of paying the costs of this Act as hereinafter defined the sum necessary for that purpose ;

(B) For the construction of the waterworks authorised by this Act and for the other purposes of this Act and of the waterworks undertaking of the Council any sums not exceeding in the whole the sum of twelve thousand pounds ;

And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or in relation to the water undertaking of the Council and the Council may mortgage the district fund and general district rate and the revenue of their waterworks undertaking or any of them to secure the repayment of the moneys borrowed with interest and the provisions of section 38 of the Act of 1873 with respect to the application of the water revenue of the Council shall extend and apply to the moneys borrowed for the purposes of this section as if they were moneys borrowed for the purposes of the water undertaking under the Act of 1873.

Power to borrow under Local Loans Act 1875.

27. The Council may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised shall be a charge upon and shall be paid out of the same rates and securities as they would be charged upon and paid out of if raised by any mortgage under the powers of this Act and such rates and securities shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act Provided that the provisions of this Act in relation to the sinking fund shall apply to moneys borrowed under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

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Certain regulations of Public Health Act as to borrowing not to apply.

28. The powers of borrowing by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Period for repayment of moneys borrowed.

29. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to money borrowed for the purposes (A) in the section of this Act the marginal note whereof is "Power for Council to borrow" mentioned within ten years from the date of borrowing the same; and

As to moneys borrowed for the purposes (B) in the same section mentioned within fifty-five years from the respective dates of borrowing the same.

How repayments to be effected.

30. The repayment of moneys borrowed under this Act shall be effected either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by sinking funds and the sinking funds shall be provided as follows:—

(1) The Council in every year shall appropriate and set apart out of the funds rates and revenues on the security of which such principal moneys shall have been borrowed as the case may require such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed within the prescribed period:

(2) The first payment by instalments or to the sinking fund shall be made as to moneys borrowed for the purposes (A) in the section of this Act the marginal note whereof is "Power for Council to borrow" mentioned on the twenty-fifth day of March following the time of the borrowing the same and as to moneys borrowed for the purposes (B) in the said section mentioned at the expiration of one year from the respective dates of borrowing the same:

(3) (A) The yearly sum so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof in such securities as trustees are by law allowed for the time being to invest trust funds in or on the security of mortgages stock debentures debenture

stock or stock of any local authority as defined by the Local Loans Act 1875 (other than securities of the Council or securities transferable by delivery) granted or issued under any Act or sanction under which such local authority is authorised to borrow money;

(B) The Council may at any time apply the whole or any part of the sinking fund set apart by them in or towards the repayment of borrowed moneys in such order and manner as they think proper Provided that in such case they pay into the sinking fund in each year afterwards and accumulate as herein-before described until the whole of the borrowed moneys to which such sinking funds are applicable are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate of three pounds per centum per annum:

Provided also that whenever and so long as the yearly income arising from the sinking fund when invested at the same rate of interest as the borrowed moneys then outstanding shall be equal to the annual interest of such borrowed money the Council may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Power to reborrow.

31. If the Council 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 acquired under the powers of this Act they may reborrow the same and so from time to time Provided that all moneys so reborrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such reborrowing has been made and that the moneys originally borrowed and any amounts from time to time reborrowed under the foregoing provisions for the repayment of such moneys shall be deemed to form the same loan and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by reason of such reborrowing.

Incorporation of certain provisions of Public Health Act 1875.

32. The following provisions of the Public Health Act 1875 (that is to say):—

Section 236 (Form of mortgage);
Section 237 (Register of mortgages); and
Section 238 (Transfer of mortgages);

shall extend and apply mutatis mutandis to and in relation to mortgages made under the powers of this Act.

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

33. The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment repayment or appropriation is required to be paid or made under this Act or the Local Loans Act 1875 transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment repayment or appropriation or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same and the interest thereof has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the said clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Council have failed to pay or make any instalment repayment or appropriation or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice The provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Protection of lender from inquiry.

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

Council not to regard trusts.

35. The Council shall not be bound to recognise or see to the execution of any trust whether express 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 a loan stands in the books of the Council shall from time to time be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council 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 books.

Application of money borrowed.

36. Money borrowed by the Council under this Act shall be applied only for the purposes of this Act for which it is authorised to be borrowed and to which capital is properly applicable.

Saving for existing charges.

37. Nothing in this Act shall prejudicially affect any charge on the district fund or general district rate or the estates and property of the Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same rate and property.

Amendment of section 22 of Act of 1873.

38. The Council shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the scale set forth in section 22 of the Act of 1873 a greater sum of money than they would be entitled to demand if such house or part of a house were of such higher annual value as would bring it within another division of the said scale.

Limit of pressure.

39. The water to be supplied by the Council from the water-works authorised to be constructed and purchased under the powers of this Act need not at any time be laid on at a pressure or supplied to an elevation greater than can be afforded by gravitation from the existing service reservoirs of the Council or the reservoir by this Act authorised to be constructed as the Council may deem expedient.

Contracts for supplying water in bulk.

40. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon:

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Provided that such supply shall not be given except with the consent of the local authority or of any company supplying or empowered to supply water under parliamentary authority within the district to be supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act:

And provided further that such supply shall not be given in the township of Menstone except with the consent of the Menstone Waterworks Company or their successors in title.

Inquiries by Local Government Board.

41.—(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 by or the giving of any consents under this Act or the local Acts or any sanctions under the Public Health Acts 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 Acts.

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

Expenses of Act.

42. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the district fund and general district rate or out of moneys borrowed under the powers of this Act and such costs shall include the costs incurred by the Council in complying with the provisions of the Borough Funds Act 1872 with respect to the Bill for this Act and all matters relating thereto.

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