CHAPTER lxxi.

An Act to extend the time for the completion of works authorised by the Bury and District Joint Water Board Act 1903 to confer further powers on the Board and for other purposes. A.D. 1928.

[3rd August 1928.]

WHEREAS by the Bury and District Water (Transfer) Act 1900 the water undertaking of the mayor aldermen and burgesses of the county borough of Bury was transferred to the Bury and District Joint Water Board (in this Act called "the Board") consisting of representatives from the constituent authorities set forth in the said Act:

And whereas by the Bury and District Joint Water Board Act 1903 (hereinafter in this Act referred to as "the Act of 1903") the Board were empowered to construct the additional waterworks in the Act of 1903 described:

And whereas the works authorised by the Act of 1903 comprise three reservoirs to be called respectively the New Hall reservoir the Scout Moor reservoir and the Scout Moor high level reservoir and certain aqueducts tunnels conduits and lines of pipes in connection with such reservoirs:

And whereas by the Act of 1903 the periods within which the Board were to complete the construction of the works thereby authorised were limited in the case of the Scout Moor high level reservoir to five years from

A.D. 1928.

the date of the passing of the said Act and in the case of the New Hall reservoir and the Scout Moor reservoir to twelve years from such date:

And whereas the Act of 1903 received the Royal Assent on the fourteenth day of August one thousand nine hundred and three:

And whereas by the Bury and District Joint Water Board Act 1908 (hereinafter in this Act referred to as "the Act of 1908") the period for the completion of the New Hall reservoir and the Scout Moor reservoir was extended to twelve years from the fourteenth day of August one thousand nine hundred and eight:

And whereas by the Bury and District Joint Water Board Act 1915 (hereinafter in this Act referred to as "the Act of 1915") the said period was extended for a further period of ten years:

And whereas no commencement has yet been made with the works in connection with the construction of the New Hall reservoir or the Scout Moor reservoir and it is expedient that the period within which the said reservoirs and the works in connection therewith were to be completed should be further extended as in this Act provided:

And whereas the total quantity of compensation water which the Board are required by sections 47 and 48 of the Bury and Radcliffe Waterworks Act 1853 (hereinafter in this Act referred to as "the Act of 1853") and section 21 of the Bury and Radcliffe Waterworks Amendment Act 1858 (hereinafter in this Act referred to as "the Act of 1858") to discharge from the Holden Wood reservoir considerably exceeds one third of the mean available rainfall in three consecutive dry years of the whole of the gathering ground of the Board above the said Holden Wood reservoir:

And whereas the demand for water within the Board's limits of supply has increased and is increasing and it is expedient that the Board in order to meet such demand should be relieved from the obligation to discharge so large a quantity of compensation water from the said reservoir and that the same should be reduced as in this Act provided:

And whereas by the Act of 1903 the Board were authorised to levy and demand rates for the supply of

water for domestic purposes calculated on the annual rack rent or value of the premises supplied and it is expedient to make provision as in this Act contained for the alteration of those rates and charges after the coming into force in the Board's limits of supply of new valuation lists made under the Rating and Valuation Act 1925:

And whereas it is expedient to make further provision with regard to the finances of the Board:

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

And whereas the purposes aforesaid cannot be attained 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 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 and collective titles.

1. This Act may be cited as the Bury and District Joint Water Board Act 1928 and the Bury and District Joint Water Board Acts 1900 to 1915 the Bury and District Joint Water Order 1927 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 2) Act 1927 and this Act may be cited together as the Bury and District Joint Water Board Acts 1900 to 1928.

Interpretation.

2. The several words and expressions to which meanings are assigned by the Public Health Acts shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

"The Board" means the Bury and District Joint Water Board;

"The Act of 1853" means the Bury and Radcliffe Waterworks Act 1853;

"The Act of 1858" means the Bury and Radcliffe Waterworks Amendment Act 1858;

"The Act of 1900" means the Bury and District Water (Transfer) Act 1900;

A.D. 1928.

"The Act of 1903" means the Bury and District Joint Water Board Act 1903;

"The Act of 1908" means the Bury and District Joint Water Board Act 1908;

"The Act of 1915" means the Bury and District Joint Water Board Act 1915;

"The limits of supply" means the limits within which the Board are for the time being authorised to supply water;

"Revenue of the Board" includes all rates and moneys which the Board are authorised to levy raise or collect or cause to be levied raised or collected within the limits of supply;

"Statutory borrowing power" has the same meaning as that assigned to it by the Act of 1903;

"Water annuities sinking fund" means the water annuities sinking fund established by the Board under and in pursuance of the provisions of section 68 (Water annuities sinking fund) of the Act of 1903 and all sums from time to time standing to the credit of that fund;

"The loans fund" means the three and a half per centum Board stock loans fund established by the Board under and in pursuance of the provisions of section 69 (Water transfer stock) of the Act of 1903 and all sums from time to time standing to the credit of that fund and not required for the payment of dividends;

"The Minister" means the Minister of Health.

Extending period for completion of works.

3. The period limited by section 19 of the Act of 1903 as extended by section 2 of the Act of 1908 and section 2 of the Act of 1915 for the completion of the New Hall reservoir and the Scout Moor reservoir authorised by the Act of 1903 is hereby further extended to sixteen years from the fourteenth day of August one thousand nine hundred and twenty and the said section 19 of the Act of 1903 shall be read and have effect accordingly:

Provided that the powers of the Board for the making and maintaining of the said reservoirs shall cease on the first day of July one thousand nine hundred and thirty-two unless the Minister is satisfied that the

construction of one of the said reservoirs has been commenced prior to that date and that the Board intend to proceed forthwith to complete the same. A.D. 1928.

Varying provisions as to compensation water of Acts of 1853 and 1858.

4.—(1) Notwithstanding anything contained in section 47 (For the protection of the parties interested in the Holden Wood reservoir in any extension of the works) and section 48 (For further protection of the parties interested in the Holden Wood reservoir in any extension of the works) of the Act of 1853 and in section 21 (Provision as to supply of water to owners of mills &c. on the rivers Ogden and Irwell) of the Act of 1858 or any or either of those sections the quantity of compensation water which the Board shall from and after the passing of this Act be required to discharge into the Ogden brook through or over the gauge which the Board are by the Act of 1853 or this Act required to provide below the Holden Wood reservoir shall be 6·66 cubic feet per second for ten and a half hours of every working day of each week except Saturday and seven and a half hours on every Saturday and the said sections shall be read and have effect accordingly and the said quantity shall be accepted and taken by all parties interested in the Calf Hey Ogden and Holden Wood reservoirs of the Board and in the waters of the Ogden brook and the rivers Ogden and Irwell as full compensation for the waters which the Board are by the Act of 1853 and the Act of 1858 empowered to divert and appropriate:

Provided that—

(*a*) in the event of any owner or occupier of any of the existing mills and works on the rivers Ogden and Irwell below the Holden Wood reservoir proving that for the purpose of the business carried on at such mills or works he requires compensation water in excess of that which the Board are by this section required to discharge the Board shall thereupon discharge in the manner aforesaid such additional compensation water not exceeding 2·478 cubic feet per second; and

(*b*) nothing in this proviso shall require the Board to discharge any water in excess of the said 6·66 cubic feet per second which the Board require for the purposes of their undertaking.

A.D. 1928.

(2) In case of any failure neglect or default by means or in consequence of which the quantities of compensation water by this section required to be discharged into the Ogden brook through or over the gauge which the Board are by the Act of 1853 or this Act required to provide shall not be so discharged the Board shall for every day on which any such failure neglect or default shall occur forfeit and pay to the occupiers of the several present mills and works affected thereby who may sue for and recover the same the sum of ten pounds and section 50 (Penalty on failure to supply the stipulated quantity of water) of the Act of 1853 is hereby repealed.

Compensation on failure to supply stipulated quantity of water.

5. In case of any failure neglect or default by or in consequence of which the quantity of water required by this Act to be discharged into the Ogden brook through or over the gauge which the Board are by the Act of 1853 or this Act required to provide below the Holden Wood reservoir shall not be so discharged the Board shall make compensation to the owners and occupiers of each of the mills or works on the rivers Ogden and Irwell who shall actually have received damage by reason of such failure neglect or default.

Provisions as to gauges.

6.—(1) In all cases where the Board are required to discharge water as and by way of compensation for water which they are authorised to take use or appropriate by any of the Acts relating to their undertaking they shall at all times after the expiration of nine months from the passing of this Act provide and maintain proper and suitable automatically recording gauges for recording the several quantities of water which they are so required to discharge and such gauges and the records thereof shall at all reasonable times be open to the inspection and examination of the joint committee of the rivers Mersey and Irwell and of the owners and occupiers of the several present and future mills and works interested in the water which the Board are so required to discharge.

(2) If at any time after the expiration of nine months from the passing of this Act the Board neglect to provide any such gauge as aforesaid and to maintain the same in a state of efficiency the Board shall for every day on which such neglect occurs forfeit and pay to the said joint committee and to each of the said owners and occupiers (who may sue for and recover the same) the

sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by any such owners or occupiers in consequence of any such neglect.

(3) If any difference arise between the Board and the said joint committee or any of the said owners or occupiers with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated unless otherwise agreed on the application of either of them by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

(4) From and after the expiration of nine months from the passing of this Act the Acts relating to the Board shall be read and have effect as if the gauges provided in pursuance of this section were referred to therein in lieu of the gauges therein respectively mentioned.

Power to Minister to alter basis and scale of water rates.

7. At any time after the coming into force within the limits of supply of new valuation lists made under Part II of the Rating and Valuation Act 1925 the Minister may on the application of the Board by order amend section 32 of the Act of 1903 by substituting for the scale of rates mentioned in subsection (1) of that section a new scale of rates based on the net annual value of the premises supplied with water and make such adaptations in the provisions of the Act of 1903 as may be consequential on or incidental to the alteration of the basis of the scale of rates and shall fix the date when the new scale of rates shall come into force.

Supply to houses partly used for trade &c.

8.—(1) The Board shall not be bound to supply with water otherwise than by meter (*a*) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or (*b*) any workhouse public institution school hospital or asylum (whether public or private) sanatorium hotel club assembly hall restaurant public-house or inn or (*c*) any boarding house capable of accommodating twenty or more persons including the persons usually resident therein.

(2) Where water supplied by the Board to a farm-house is used for farming purposes the Board may

A.D. 1928.

require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Board to refuse a supply of water for domestic purposes to a farm-house at the rates authorised by the Act of 1903 or this Act.

(3) Section 36 (Supply to houses partly used for trade &c.) of the Act of 1903 is hereby repealed.

Charges for hose-pipes &c.

9.—(1) When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Board may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

(2) Any sums charged under this section shall be recoverable at the like dates and in the same manner as other water rates or charges leviable by the Board can be recovered.

Special terms for supplies to caravans &c.

10.—(1) Notwithstanding anything in this or any other Act or Order relating to the Board contained a person shall not be entitled to demand or continue to receive from the Board a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Board to take a supply of water by meter and to pay to the Board such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Board by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order

by whom the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties. A.D. 1928.

Discount for prompt payment of water rates.

11. The Board may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per centum Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers Provided also that if and so long as the Board allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates.

Dates for payment of water rates.

12. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Board may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance on the first day of April and the first day of October in each year Provided that such rates rents and charges shall not be recoverable until the expiration of two months from the said first day of April and the first day of October respectively.

Power to provide water tanks under streets.

13.—(1) The Board may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes construct place fix and maintain in or under any street within the limits of supply with the consent of the local and road authority tanks or other receptacles for water for use by the users of road locomotives or motor cars with all necessary or convenient apparatus and appliances (including covers or boxes and pillars or standpipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles.

(2) The Board may make and recover such charges as they may think fit for any water so taken or used and make regulations as to the taking or use of such water and the issuing of permits for such taking or use and the mode of payment of the charges of the Board therefor.

(3) If any person shall take or use any water from any such tank or receptacle as aforesaid without being duly authorised so to do by the Board he shall for every

A.D. 1928. such offence be liable on summary conviction to a penalty not exceeding five pounds.

(4) The Board may attach to any lamp-post pole standard or other similar erection erected on or in any street in under or near to which any such tank or other receptacle is constructed or placed signs or directions indicating the position of such tank or other receptacle and the means by which water may be obtained from the same :

Provided that in cases where the Board are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Board shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment.

(5) The Board may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions as aforesaid but shall not use for the purpose any part of the highway without the consent of the road authority.

(6) The Board shall not under the powers of this section construct or place any such tank or receptacle as aforesaid on any county bridge or the approaches thereto or on any bridge carrying any street or road over the railways of the London Midland and Scottish Railway Company or under any bridge carrying any such railways over any street or road or within ten feet of any abutment of any such bridge or so as to interfere with or render less convenient the access to or exit from any station or depôt of the London Midland and Scottish Railway Company.

(7) The Board shall not attach any such sign or direction to any guide or road sign post direction arm or similar erection provided or maintained by the county council of the administrative county of the county palatine of Lancaster without the consent of such council in writing.

(8) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard

or similar erection when no longer required for his purposes.

(9) The Board shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing and shall not construct place or fix any such tank or other receptacle apparatus or appliances as aforesaid so as to interfere with or render less convenient the access to or exit from any buildings vested in or occupied by the Crown or any department of His Majesty's Government.

Cisterns.

14. The Board may require that dwelling-houses erected after the passing of this Act at a higher level than fifty feet below the service reservoir or tank from which they are supplied shall be provided with cisterns holding forty-eight hours' supply and the Board shall not be bound to supply such houses until such cisterns are provided.

Maintenance of common pipe.

15. Where several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Board in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the manager of the Board.

Board to connect communication pipes with mains.

16. Notwithstanding anything contained in any Act relating to the Board the Board shall have the exclusive right of executing any works on any of the water mains of the Board for connecting any communication or service pipes therewith and the Board shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Board execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Board in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

A.D. 1928.

Stop-cocks to be fitted in communication pipes.

17. In the case of all new buildings erected after the passing of this Act within the limits of supply and connected with the mains of the Board the Board may in cases where the communication pipes are laid by the owner or by the Board at his request require the owner at the time when the pipes are laid to insert or to have inserted a stop-cock in the communication or service pipe from the said premises in some position as near as is reasonably possible to the main of the Board from which the supply is given to the said premises and if such owner make default the Board may insert a stop-cock in such communication or service pipe and recover the expense from the owner summarily as a civil debt.

Meters &c. to measure water or detect waste.

18. Subject to the provisions of the Waterworks Clauses Act 1847 the Board may for the purpose of measuring the quantity of water supplied or preventing and detecting waste affix and maintain meters and other apparatus on the service pipes and mains of the Board and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up break up and interfere with public and private streets roads lanes footways courts passages tramways sewers pipes wires and apparatus :

Provided that the Board shall not interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

Power to Board to repair communication pipes.

19. If in the opinion of the Board any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Board are not under obligation to maintain it shall be lawful for the Board to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Board for the purpose of ascertaining the cause of injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and

making good any road pavement or soil for those purposes) shall be recoverable by the Board from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier in like manner as the water rates in respect of the premises are recoverable Provided that except in case of emergency the Board shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner and occupier of such houses or premises not less than twenty-four hours' previous notice of their intention so to enter.

Interference with valves pipes and fittings.

20. Every person who shall wilfully (without the consent of the Board) or negligently close or shut off any valve cock or other work or apparatus belonging to the Board whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Board) be liable to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing a valve fixed on his communication pipe.

Penalty for interfering with sluices &c.

21. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Board who shall without the authority of the Board turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Board and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Power to remove meters and fittings.

22. The Board by their agents or workmen after forty-eight hours' notice in writing under the hand of the manager of their undertaking or some other officer of the Board to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Board is laid or fixed and through or in which the supply of water is from any cause other than the default

A.D. 1928.

of the Board discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Opening of ground by persons liable to maintain pipes &c.

23.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Board may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Board shall be repaid by the owner or occupier with whom the agreement is made.

Application of section 35 of Waterworks Clauses Act 1847.

24. Section 35 of the Waterworks Clauses Act 1847 in its application to the Board shall be read and construed as if the words "one-eighth part" were substituted therein for the words "one-tenth part."

Guarantees by district councils.

25.—(1) Any urban or rural district council in respect of the whole or the part of their district which is within the limits of supply may give and enter into any guarantee or contract for securing payment to the Board of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Board for the purpose of or with respect to the providing or laying down by the Board of any pipe or works for the supply of water within any part of such district which is within the limits of supply.

(2) The giving of such guarantee and the performance of any contract in relation thereto shall be deemed to be a purpose for which under the provisions of any general Act relating to the powers of such council they may incur expenditure and any such council may raise any money

which may become payable to the Board under this section in like manner as money may be raised under the provisions of any such general Act. A.D. 1928.

Application of water annuities sinking fund and Board stock loans fund.

26.—(1) Notwithstanding anything contained in the Act of 1903 the Board may where they are authorised by any statutory borrowing power to raise money for any purpose instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose any money for the time being forming part of the water annuities sinking fund or the loans fund established under and in pursuance of the Act of 1903 as the case may be and moneys so raised shall be deemed to be moneys borrowed under a statutory borrowing power.

(2) The exercise of the powers conferred by this section shall be subject to the provisions of section 64 (Application of sinking fund for principal moneys) of the Act of 1903 so far as those provisions are applicable and with such modifications as may be necessary.

(3) The Board shall render to the Minister all such information (if any) as he may require by reason of the exercise by the Board of the powers of this section.

As to interest on and payments to sinking funds &c.

27. Where sums are set apart as or appropriated to a sinking fund or stock or annuities redemption fund for the purpose of paying off moneys borrowed or redeeming stock annuities or debentures created or issued in pursuance of the powers contained in the Act of 1900 and the Act of 1903 or either of them the interest received in any year from the investment of the sums so set apart or appropriated shall instead of being accumulated in accordance with the provisions of the said Acts or either of them or the Stock Regulations 1891 to 1921 form part of the revenue of the Board for that year and be paid into the general revenue account of the Board but the contribution to be made to the sinking fund or stock or annuities redemption fund (if it is an accumulating fund) out of the revenue of the Board shall in that year include a sum equivalent to interest on the amount which should for the time being be standing to the credit of the fund and on the amount (if any) previously applied from the fund in or towards the discharge of the money for the repayment of which

A.D. 1928.

the fund is formed and such interest shall be calculated at the rate per centum per annum on which the annual payments to the fund are based.

Amending section 62 of Act of 1903.

28. Notwithstanding anything contained in section 62 (Mode of repayment of principal moneys and sinking fund for principal moneys) of the Act of 1903 it shall not be obligatory on the Board to pay the first instalment of principal or to make the first payment to the sinking fund for the repayment of money borrowed for the purposes (3) (4) and (5) mentioned in section 53 (Power to borrow) of the Act of 1903 until the completion of the works for or in connection with which the money is borrowed or the expiration of fifteen years from the date or dates of borrowing the money whichever shall be the earlier and the said section 62 shall be read and have effect accordingly and in the application of the provisions of the said section to the payments to be made to the said sinking fund subsection (3) thereof shall have effect as though three and a half per centum per annum or such other rate as the Minister may from time to time approve were therein mentioned instead of three per centum per annum.

Power to constituent authorities to lend money to Board.

29. Any constituent authority of the Board may with the consent of the Minister lend to the Board such sum or sums on such terms and conditions and in such form as may be agreed between the Board and the constituent authority:

Provided that the consent of the Minister shall not be necessary if a constituent authority proposes to lend to the Board any sum or sums of money for any period not exceeding twelve months.

Power to Board to lend money temporarily to constituent authorities.

30. The Board may from time to time lend for any period not exceeding twelve months or with the consent of the Minister for any longer period to any constituent authority of the Board any sum of money which is not for the time being required for the purpose for which it was raised and the same shall be lent on such terms and conditions and in such form as may be agreed between the constituent authority and the Board.

Power to re-borrow.

31.—(1) The Board shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under any

statutory borrowing power which are intended to be forthwith repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Board shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payments; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 66 (Power to re-borrow) of the Act of 1903 is hereby repealed.

Return to Minister with respect to repayment of principal moneys &c.

32.—(1) The clerk of the Board shall if and when he is requested by the Minister so to do transmit to the Minister a return or returns showing the provision made for the repayment of principal moneys the extinction of the water annuities and the redemption purchase or extinction of the water transfer stock.

(2) The return or returns shall show such particulars and shall be made up to such date and in such form or forms as the Minister may require and shall if so required

A.D. 1928.

by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Board and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) Section 70 (Returns as to provision for repayment of principal moneys and the extinction of annuities and redemption and extinction of stock) of the Act of 1903 is hereby repealed.

(4) If it appears to the Minister by such a return as aforesaid 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 for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Board shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Subscriptions to associations and payment of certain expenses.

33. The Board may pay out of the revenue of the Board as expenses incurred by them under the Act of 1900 the Act of 1903 and this Act—

(*a*) Reasonable subscriptions (whether annually or otherwise) to the funds of any association of water boards or other water undertakers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply or of the officers of any such undertakers or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of

records of use or value to water undertakers and any reasonable expenses of the attendance of any members or officers of the Board (not exceeding in any case four) at conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(*b*) Reasonable expenses in connection with the public opening of works of the Board or works from which the Board are entitled to a supply of water:

Provided that the amount expended by the Board under this section shall not in any one year exceed one hundred pounds except with the consent of the Minister.

Costs of Act.

34. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board and they are hereby empowered to borrow the amount of such costs charges and expenses and the amount which may be so borrowed shall be deemed to be principal moneys within the meaning of the Act of 1903 and the prescribed period for the payment off of such money shall be five years from the date of the passing of this Act.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.