Cheshire Brine Pumping (Compensation for Subsidence) Act, 1952

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CHAPTER xlii

An Act to form a brine subsidence compensation district and establish a compensation board for that district in the administrative county of the county palatine of Chester to dissolve the Northwich Salt Compensation Board and for other purposes.

[1st August 1952.]

WHEREAS—

(1) By a Provisional Order (hereinafter called "the Order of 1896") made under the Brine Pumping (Compensation for Subsidence) Act 1891 (hereinafter called "the Act of 1891") and confirmed by the Brine Pumping (Compensation for Subsidence) Provisional Order Confirmation Act 1896 provision was made for the formation of a compensation district (hereinafter called "the existing compensation district") comprising the urban district of Northwich and part of the rural district of Northwich contiguous therewith and for the establishment of a compensation board with the name of "the Northwich Salt Compensation Board" (hereinafter called "the existing board"):

(2) The existing board was duly constituted and is acting in accordance with the provisions of the Act of 1891 and the Order of 1896 and is thereby empowered to form and maintain a compensation fund by a uniform levy of rates on each thousand gallons in respect of all brine pumped or raised from shafts wells springs or mines in the existing compensation district and out of the said compensation fund to pay compensation to such extent and subject to such conditions as are in the Act of 1891

prescribed for damage to property within the existing compensation district as the result of the pumping or raising of brine:

(3) The boundaries of the existing compensation district are unduly limited in view of present day conditions and exclude an extensive area within the county of Chester in which the pumping of brine takes place without subjecting the brine pumpers to any rate for provision of compensation in respect of subsidence and in which damage to property occurs through subsidence due to brine pumping in respect of which the owners of the property are unable to obtain any compensation:

(4) Subsidence due to brine pumping may occur at a considerable distance from the point at which the pumping takes place and it is often impossible to identify the brine pumping operations which have caused or contributed to subsidence at particular places Moreover the pumping of brine within the existing compensation district may cause subsidence outside that district and the pumping of brine outside the district may cause subsidence within the district:

(5) Since the establishment of the existing board new methods of raising brine have been introduced and widely adopted in the area of the Cheshire saltfield and the basis upon which the existing board is required by the Act of 1891 to raise its rates by a uniform levy on each thousand gallons on all brine pumped has become unsuited to present circumstances in that area:

(6) The statutory provisions applying to the existing board by virtue of its constitution under the Order of 1896 are in certain other respects unsuited to the circumstances now prevailing in the Cheshire saltfield:

(7) It is expedient that the existing board should be replaced by a new board with a compensation district comprising the existing compensation district and such extended area as in this Act described and with such constitution and powers as are in this Act provided for and that the Order of 1896 should be repealed:

(8) The purposes of this Act cannot be effected without the authority of Parliament:

(9) In relation to the promotion of the Bill for this Act the requirements of the Local Government Act 1933 have been observed:

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:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Formation of compensation district and establishment of Compensation Board.
Part III.—Dissolution of existing board.
Part IV.—Compensation fund and claims.
Part V.—Rating of brine pumpers and finance.
Part VI.—Miscellaneous.

Interpretation.

3. In this Act unless the context otherwise requires—

"Act of 1891" means the Brine Pumping (Compensation for Subsidence) Act 1891;

"Act of 1896" means the Brine Pumping (Compensation for Subsidence) Provisional Order Confirmation Act 1896;

"appointed day" means the first day of April nineteen hundred and fifty-three;

"brine pumper" means a person partnership firm or company who within the compensation district pumps or raises brine from any well borehole shaft spring or mine;

"Compensation Board" means the Cheshire Brine Subsidence Compensation Board established by this Act;

"compensation district" means the Cheshire brine subsidence compensation district formed by this Act;

"compensation fund" means the compensation fund to be formed and maintained by the Compensation Board under this Act;

"controlled pumping" means the raising of brine from any borehole or shaft by means of fluid injected under pressure and in no less volume at that pressure than the volume of brine raised the whole operation being conducted in a manner and under conditions rendering it unlikely that subsidence of land will be caused thereby except in the immediate neighbourhood of the orifice through which either the fluid is injected or the brine is brought to ground level;

PART I —*cont.*

"corporation" means the mayor aldermen and burgesses of the borough of Crewe;

"county" means the administrative county of the county palatine of Chester;

"county council" means the county council of the county;

"existing board" means the Northwich Salt Compensation Board established by the Order of 1896;

"existing compensation district" means the Cheshire salt compensation district formed by the Order of 1896;

"financial year" means the period of twelve months ending on the thirty-first day of March;

"local authority" means the council of a borough urban district or rural district wholly or partly within the compensation district;

"Minister" means the Minister of Housing and Local Government;

"Order of 1896" means the Provisional Order made under the Act of 1891 and confirmed by the Act of 1896;

"owner" means the person for the time being receiving the rack-rent of the land in connection with which the word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if the land were let at a rack-rent;

"rate" means a rate made by the Compensation Board upon the brine pumpers in pursuance of the provisions of this Act;

"rebate" means the rebate in respect of brine raised by controlled pumping to be allowed by the Compensation Board to brine pumpers in pursuance of the provisions of this Act;

"reserve fund" means the reserve fund which the Compensation Board are empowered by this Act to form.

PART II

FORMATION OF COMPENSATION DISTRICT AND ESTABLISHMENT OF COMPENSATION BOARD

Formation of compensation district.

4. As from the appointed day the areas mentioned in the First Schedule to this Act shall together form a compensation district for the purposes of this Act and such district shall be known as "the Cheshire brine subsidence compensation district".

Establishment of Compensation Board.

5.—(1) For the purposes of this Act a Compensation Board shall be established which shall be named "the Cheshire Brine Subsidence Compensation Board".

PART II —*cont.*

(2) The Compensation Board shall consist of fifteen members who shall be appointed and elected as follows:—

appointed by the county council	five
appointed by local authorities as set forth in Part I of the Second Schedule to this Act	five
elected by the brine pumpers in accordance with the provisions of the Third Schedule to this Act	five

(3) The Compensation Board shall be a body corporate by the said name with perpetual succession and a common seal and with power to acquire and hold lands for the purposes of this Act without any licence in mortmain.

(4) No act or proceeding of the Compensation Board or of any committee appointed by the Compensation Board shall be invalidated by or questioned on account of any vacancy in their body.

Qualification for appointed members of Compensation Board.

6. A person shall not be qualified to be appointed or to be a member of the Compensation Board to represent the county council or any local authority or group of local authorities—

(*a*) if he is either a brine pumper or is employed by a brine pumper;

(*b*) unless he is or is qualified to be and is not disqualified from being a member of the county council or of any of such local authorities as the case may be.

Disqualifications for membership of Compensation Board.

7.—(1) A person shall be disqualified from being elected or being an elected member of the Compensation Board if he—

(*a*) is an infant or an alien; or

(*b*) has within five years before his election or since his election been convicted either on indictment or summarily of any offence and sentenced to imprisonment without the option of a fine or to any greater punishment and has not received a free pardon or has within or during the time aforesaid been adjudged bankrupt or made a composition or arrangement with his creditors.

(2) A person shall be disqualified from being appointed or elected or being a member of the Compensation Board if he—

(*a*) holds any paid office under the Compensation Board; or

(*b*) is concerned in any bargain or contract entered into with the Compensation Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Compensation Board:

PART II —*cont.*

Provided that a person shall not be disqualified from being elected or appointed or being a member of the Compensation Board by reason of his being interested—

(i) in the sale or lease of any lands to the Compensation Board ; or

(ii) in any newspaper in which any advertisement relating to the affairs of the Compensation Board is inserted ; or

(iii) in a contract with the Compensation Board as a shareholder in any joint stock company but he shall not vote at any meeting of the Compensation Board on any question in which such company are interested in respect of such contract.

(3) Where a person is disqualified from being elected or being an elected member of the Compensation Board by being adjudged bankrupt or making a composition or arrangement with his creditors the disqualification shall cease in case of bankruptcy when the adjudication is annulled or when he obtains his discharge with a certificate that his bankruptcy was caused by misfortune without any misconduct on his part and in case of composition or arrangement on payment of his debts in full.

(4) If a member of the Compensation Board is absent from the meetings of the Compensation Board for more than six months consecutively except in case of illness or for some reason approved by the Compensation Board his office shall be vacated.

(5) Where a member of the Compensation Board becomes disqualified from holding office or his seat is vacated by absence resignation or death the Compensation Board shall forthwith declare the office to be vacant and signify the same by notice signed by two members and countersigned by the clerk of the Compensation Board and notified to the clerk of the county council or to the town clerk or clerk of any local authority or to the clerks of each local authority comprised in a group of local authorities affected or to the brine pumpers as the case may be within seven days of the making of such declaration of vacancy in such manner as the Compensation Board may direct and the office shall upon such declaration being made become vacant.

(6) If any person acts as a member of the Compensation Board when disqualified or votes as a member when prohibited under this section he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(7) The proceedings of the Compensation Board shall not be invalidated by any defect in the election appointment or qualification of any member of the Compensation Board.

PART II —*cont.*

Appointment of members of Compensation Board.

8.—(1) The appointment of members of the Compensation Board by the county council and the local authorities shall be made in the case of the county council and the Corporation by those bodies respectively and in the case of the other local authorities in manner provided by Part II of the Second Schedule to this Act and shall be notified in writing by the appropriate officer in the case of a first appointment to the clerk of the existing board and in the case of subsequent appointments to the clerk of the Compensation Board not later than the second Thursday in November in the appropriate year.

(2) In this section—

"appropriate officer" means in the case of the county council the clerk of the county council in the case of the corporation the town clerk and in the case of the other local authorities the clerk of the local authority whose name appears first in each group of local authorities named in Part I of the Second Schedule to this Act;

"appropriate year" means the year nineteen hundred and fifty-two and every third subsequent year.

Election of members by brine pumpers.

9. The persons who shall be entitled to vote at the first or any subsequent election by brine pumpers of any member of the Compensation Board and all other matters relating to such election shall be determined and governed by the rules contained in the Third Schedule to this Act:

Provided that the returning officer shall make all his arrangements for the conduct of the first election so as to ensure its completion and the ascertainment of the result before the first day of November nineteen hundred and fifty-two and he shall notify in writing to the clerk of the existing board immediately after the result has been ascertained the name address and occupation of each of the persons elected.

Chairman and vice-chairman of Compensation Board.

10.—(1) The Compensation Board shall at their first meeting after their constitution and at their annual meeting in each subsequent year choose one of their members to be chairman and one other of their members to be vice-chairman and the members so chosen shall continue in office until the next meeting at which a chairman and vice-chairman are to be chosen pursuant to the above provision:

Provided that if there be an equality of votes as to the appointment of chairman or vice-chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman or vice-chairman as the case may be.

(2) If any casual vacancy occurs in the office of chairman or vice-chairman the Compensation Board shall as soon as conveniently may be after the occurrence of such vacancy choose

PART II —*cont*

one of their members to fill such vacancy and every chairman or vice-chairman so chosen as last aforesaid shall continue in office so long only as the person in whose place he is chosen would have been entitled to continue in office.

Resignation of members.

11. A member of the Compensation Board may resign his office by notifying in writing his intention so to do to the clerk for the time being of the Compensation Board.

First meeting and annual meetings of Compensation Board.

12. The first meeting of the Compensation Board shall be held on such day and at such time and place as shall be fixed by the clerk of the county council and the annual meeting of the Compensation Board shall be held on the fourth Thursday in November in every subsequent year.

Term of office of members.

13.—(1) The members of the Compensation Board shall go out of office on the fourth Thursday in the month of November in every third year subsequent to the year nineteen hundred and fifty-two on which day their successors shall come into office.

(2) A person ceasing to be a member of the Compensation Board shall if qualified and not disqualified be eligible for re-appointment or re-election as the case may be.

Casual vacancies.

14. Any casual vacancy in the Compensation Board shall be filled up—

(*a*) in the case of a member appointed by the county council or by a local authority or by a group of local authorities at a meeting of the county council or local authority or the joint committee of such group of local authorities as the case may be to be held as soon as practicable after the notification of such vacancy in accordance with subsection (5) of section 7 (Disqualifications for membership of Compensation Board) of this Act;

(*b*) in the case of a member elected by the brine pumpers by election by the persons qualified in accordance with and in the manner provided by the Third Schedule to this Act Provided that the returning officer shall fix the dates at which the several proceedings in connection with such election are to take place so that the result may be ascertained as soon as practicable after the notification of such vacancy as aforesaid.

Meetings and proceedings.

15. Meetings of the Compensation Board shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the Fourth Schedule to this Act.

Committees.

16. The Compensation Board may from time to time appoint one or more committee or committees for any of the purposes of this Act and may fix the quorum of any committee and prescribe

PART II —*cont.*

the manner in which the business of a committee shall be conducted:

Provided that no rate shall be made or declared nor any award of compensation made or allowed or disallowed except at a general meeting of the Compensation Board.

Minutes of proceedings.

17.—(1) A minute of proceedings at a meeting of the Compensation Board or of a committee signed at the same time or at the next ensuing meeting by any person describing himself as or appearing to be chairman of the meeting of the Compensation Board or committee at which the minute is signed shall be received in evidence without further proof.

(2) Until the contrary is proved every meeting of the Compensation Board or committee whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified.

Power to appoint officers and servants and make surveys valuations and regulations.

18.—(1) The Compensation Board may appoint and pay such surveyors and other officers and servants as they think necessary and may make all such surveys and valuations as they think necessary.

(2) The Compensation Board may from time to time make regulations for defining the duties of any officers or servants of the Compensation Board.

Power to grant gratuities in certain cases.

19.—(1) The Compensation Board may if they think fit grant a gratuity by way either of a lump sum or periodical payments not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment to any of their officers or servants who are not entitled to benefits under the Local Government Superannuation Acts 1937 and 1939 and who may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

PART III

DISSOLUTION OF EXISTING BOARD

Dissolution of existing board.

20. On the appointed day the existing board shall be by virtue of this Act dissolved.

Transfer of property etc. of existing board.

21. As from the appointed day all property and liabilities of the existing board shall subject to the provisions of section 27 (As to application of balance of existing compensation fund)

PART III —*cont.*

of this Act be and the same are hereby transferred to and vested in the Compensation Board to the same extent and for the same estate and interest as the same are immediately before the appointed day vested in the existing board.

Saving of contracts.

22. All contracts agreements conveyances deeds leases licences and instruments affecting the existing board and in force on the appointed day shall as from that day be as binding and of as full force and effect against or in favour of the Compensation Board as if instead of the existing board the Compensation Board had been party thereto or bound thereby or entitled to the benefit thereof but nothing in this Act or done thereunder shall prejudice or affect the right of the Compensation Board to terminate any such contract agreement conveyance deed lease licence or instrument at such time and in such manner as it might have been terminated if this Act had not been passed.

Actions etc. not to abate.

23. Any action arbitration or proceeding and any cause of action arbitration or proceeding which shall at the appointed day be pending or existing by or against or in favour of the existing board shall not abate or be discontinued or prejudicially affected by this Act but may be continued prosecuted and enforced by against or in favour of the Compensation Board in the same manner in all respects as it might have been continued prosecuted or enforced by against or in favour of the existing board if this Act had not been passed but not further or otherwise.

As to officers and employees of existing board.

24. The Compensation Board shall take over as from the appointed day all officers and servants of the existing board who immediately before that day shall have been employed wholly or primarily by the existing board and who shall be willing to enter the service of the Compensation Board and shall employ them on work similar to that on which they shall have been engaged when in the service of the existing board immediately before the appointed day at rates of remuneration not less favourable than those which they were receiving from and otherwise on the same terms and conditions as those on which they were employed by the existing board on the appointed day or at such other rates of remuneration and on such other terms and conditions as may be agreed between the Compensation Board and such employees.

Compensation to existing officers.

25. Every officer and servant of the existing board who suffers loss of employment or diminution of emoluments which is attributable to the passing of this Act shall be entitled to have his case considered for the payment of compensation by the Compensation Board such compensation to be determined in accordance with the provisions of the schedule to the Local

PART III —*cont.*

Government (Compensation) Regulations 1948 and those regulations shall apply accordingly with any modifications which the Minister may by order consider it necessary or expedient to make for the purpose of the application of the said regulations to compensation under this Act.

PART IV

COMPENSATION FUND AND CLAIMS

Compensation fund.

26.—(1) The Compensation Board shall form and maintain a compensation fund for the compensation district.

(2) The compensation fund shall be formed and maintained by the assessment and levy as in this Act provided of such rate (not exceeding the limit in this Act prescribed) for every one thousand gallons of brine pumped or raised by any brine pumper within the compensation district from any well borehole shaft spring or mine as the Compensation Board from time to time determine.

(3) The compensation fund shall be solely applicable to compensation for damage happening within the compensation district arising from the subsidence of land as a result of the pumping or raising of brine and to the expenses and liabilities of the Compensation Board and costs allowed by the Compensation Board to any claimant or objector and to the other purposes to which it may be applied in accordance with the provisions of this Act.

As to application of balance of existing compensation fund.

27.—(1) The amount of the compensation fund shown in the balance sheet of the existing board on the appointed day including the securities in which that fund is for the time being invested shall be vested in trustees as hereinafter provided and retained by them for the benefit of claimants in the existing compensation district and the said amount or the proceeds of sale of such securities shall during a period of twenty-five years from the appointed day be applied—

(*a*) in making good any pro rata abatement on the amounts which would otherwise be payable to claimants in the existing compensation district and not elsewhere in respect of any claim relating to the existing compensation district to be made or allowed after any declaration by the Compensation Board under section 48 (Abatement of claims postponement of payments etc.) of this Act;

(*b*) in making reasonable provision for the payment of pension to any former officer or widow of any former officer of the existing board not otherwise provided for under this Act.

PART IV —*cont.*

(2) Any dividends or interest received by the trustees in respect of the securities retained under this section shall be added to the said amount of the compensation fund shown in the balance sheet of the existing board on the appointed day but such dividends and interest shall be credited to the general account of the Compensation Board during any period in which the fund amounts to one hundred thousand pounds.

(3) For the purposes of this section there shall be six trustees appointed as follows:—

by the county council	two
by the brine pumpers within the existing compensation district	two
by the Northwich Urban District Council	one
by the Northwich Rural District Council	one

(4) The clerk of the existing board shall make arrangements with the consent of the brine pumpers concerned for the appointment before the appointed day of the two trustees to be appointed by the brine pumpers within the existing compensation district but failing such consent the said trustees shall be elected in accordance so far as may be practicable with the rules contained in the schedule to the Order of 1896.

(5) Any vacancy in the number of trustees appointed by the said brine pumpers shall be filled by the trustees from persons nominated for that purpose by the said brine pumpers.

(6) The trustees shall have the like powers of investment as are conferred on the Compensation Board by section 50 (Power to invest moneys) of this Act.

(7) At the expiration of the period mentioned in subsection (1) of this section any money and securities remaining unapplied under this section shall be paid or transferred by the trustees to the Compensation Board and shall thereafter be held and applicable by that board as part of the reserve fund.

(8) Any amount held in the reserve fund in pursuance of the last preceding subsection shall be additional to the sum of one hundred thousand pounds which may be held in that fund under section 49 (Reserve fund) of this Act.

Damage for which compensation is to be made.

28.—(1) The damage for which compensation may be made under this Act shall be damage of any of the following kinds (and no other):—

(i) depreciation of land (but not including any erection or works on or under such land except as hereinafter in this section provided) which shall subside or become permanently submerged including any necessary expense of fencing in such land;

(ii) destruction or structural damage of buildings and walls of all kinds but not including damage to machinery or fixtures whether removable or not;

(iii) the proper and necessary expense of building retaining walls or bolting together or underpinning or otherwise supporting raising or repairing buildings and walls;

(iv) the proper and necessary expense of altering the approaches to or the levels of lands or buildings;

(v) the proper and necessary expense of raising lowering diverting or making good private roads bridges fences sewers or drains or supply pipes as defined in Part I of the Third Schedule to the Water Act 1945:

Provided that no claim shall be made by any person unless he has such title to or interest in the property so damaged or some part thereof as would entitle him to recover in respect of such damage if the same had been caused by the wrongful excavation by any other person of strata underlying or supporting such property and any compensation awarded shall not exceed the amount of the actual loss sustained by the person making the claim (in this Part of this Act referred to as "the claimant") or exceed the amount of the expense necessary to make good any damage sustained as hereinbefore defined all circumstances which in the opinion of the Compensation Board or other tribunal are material being taken into consideration.

(2) The Compensation Board shall have power to make contributions out of any sum to be levied under this Act towards the extra cost of building rebuilding or replacing any existing or future building within the compensation district on some system or style of building whereby it can conveniently be raised and may also provide plans and models of buildings recommended as suitable and convenient for the purpose aforesaid.

As to claims relating to ecclesiastical property.

29.—(1) Any claim under this Act relating to ecclesiastical property may be made by the Church Commissioners.

(2) Any sums awarded under this Act for damage to ecclesiastical property shall be paid to the Church Commissioners to be applied in making good such damage and any balance of such sums not so applied to be applied to such other purposes in connection with the benefice or parish affected as the Church Commissioners think fit.

(3) In this section the expression "ecclesiastical property" means lands belonging to any ecclesiastical benefice or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church or being or forming part of a burial ground subject to such jurisdiction.

PART IV —*cont.*

Claims for compensation.

30.—(1) Any claimant who alleges the following matters (that is to say):—

(i) that any damage for which compensation may be made under this Act has been caused to any property by subsidence of the same or of any other land and that the subsidence is the result of the pumping or raising of brine and has happened after the passing of the Act of 1891; and

(ii) that he has such title to or interest in the property so damaged or some part thereof as would entitle him to recover in respect of such damage if the same had been caused by the wrongful excavation by any other person of strata underlying or supporting such property;

and who within six months after the date on which such damage became apparent has given notice in writing of such damage to the Compensation Board or in the case of damage to property within the existing compensation district which became apparent before the appointed day to the existing board or (if the property was situate outside the existing compensation district) to the sanitary authority under the provisions of section 23 of the Act of 1891 may send in to the Compensation Board a claim for such damage to the extent of his title or interest.

(2) It shall be lawful for the Compensation Board from time to time by regulations to prescribe the form of any such claim and the time within which and the manner in which any such claim shall be made and the proofs by which the claim is to be accompanied and no claim shall be allowed with respect to any damage of which the prescribed notice shall not have been given nor in respect of which the provisions of such regulations (unless dispensed with for cause which the board shall deem reasonable and sufficient) are not observed.

(3) The Compensation Board shall once or oftener in each year give notice by such advertisement as shall be prescribed in such regulations requiring all claims intended to be made under this Act to be sent in to the Compensation Board and requiring such claims to be so sent in within a time to be named in such advertisement.

(4) On the expiration of the period within which claims are to be sent in to the Compensation Board the Compensation Board shall give to every brine pumper within the compensation district notice of all claims (if any) received by the Compensation Board specifying in such notice the names of the claimants the amount claimed and the property in respect of which each such claim is made and shall give to all such claimants by registered post one month's notice of the day on which the Compensation Board intends to proceed to adjudicate on such claims.

PART IV —*cont.*

(5) The Compensation Board shall on the day appointed for adjudication and on any subsequent day or days appointed by them for the purpose consider all claims duly made and which have not been previously adjudicated on and shall so far as they think practicable and convenient adjudicate thereon in such manner as they shall think fit and allow or disallow all such claims or any items thereof and shall give notice in writing to the claimant of such adjudication or by agreement with the claimant may refer any claim to the Lands Tribunal as arbitrator.

(6) If in the case of any claim no such adjudication is made and no such agreement is entered into within six months after the day appointed as aforesaid for adjudication of claims or the claimant within one month after receiving notice in writing of an adjudication on the claim gives notice in writing to the Compensation Board that he objects to such adjudication the claimant may if he thinks fit by notice in writing to the Compensation Board within three months after the expiration of such period of six months or one month (as the case may be) require that the claim shall be referred to and determined by the Lands Tribunal.

(7) In this section the expression " the date on which damage became apparent " means the date on which the damage became apparent to the claimant or would have become apparent to him if he had been reasonably observant.

Mode of dealing with claims.

31.—(1) The Compensation Board shall disallow any claim for damage for which compensation has been paid by the existing board or damage which in their opinion is not damage for which compensation may be made under this Act or was not caused by subsidence of any land or was caused by subsidence of land which in the opinion of the Compensation Board was not caused by the pumping or raising of brine or in respect of which in their opinion the claimant has not such title or interest as would entitle him to recover under this Act and shall disallow any claim to the extent to which in their opinion the damage in respect of which the claim was made has been occasioned or increased by any neglect or default of the claimant or of any person by whose acts he is affected or bound or by the buildings or other matters in respect of which the claim was made having been of an unnecessarily expensive kind or improperly constructed having regard to the liability of the compensation district or any part thereof to subsidence:

Provided that any works or construction necessary to comply with any enactment or with any requirement or order of any local planning authority or local authority or licensing justices made in pursuance of any enactment shall not be deemed to be of an unnecessarily expensive kind or improperly constructed.

PART IV —*cont.*

(2) The Compensation Board shall not disallow any claim for compensation by reason only of the failure of the claimant to adopt any recommendations issued by the Compensation Board to persons intending to build on land subsiding or liable to subside.

(3) The brine pumpers shall be entitled to be heard before the Compensation Board on all claims exceeding one thousand pounds.

Power for Compensation Board to commute claims.

32. The Compensation Board may by resolution passed at a meeting whereof not less than twenty-one days' notice specifying the objects of the meeting has been served on the members of the Compensation Board provide that damage in any particular case of the kind specified in paragraph (ii) of subsection (1) of section 28 (Damage for which compensation is to be made) of this Act if in their opinion such damage is likely to recur or to be permanent or to continue for a number of years shall be ascertained settled and paid for either once for all or for such number of years as they think just instead of being claimed from time to time.

Recovery of sums awarded.

33. Any sum awarded by the Compensation Board to be paid under any of the provisions of this Act shall be certified by the clerk of the Compensation Board under his hand and may subject to the provisions of this Act be recovered as a debt at the expiration of three months from the date of such certificate in the county court within whose jurisdiction the property to which the claim relates is situate.

Special case.

34. Any person aggrieved who desires to question an order or determination of the Compensation Board on the ground that it is erroneous in point of law may apply to the Compensation Board to state a special case setting forth the facts of the case and the grounds on which the order or determination is questioned and if the Compensation Board decline to state the case may apply to the High Court of Justice for an order requiring the case to be stated The application shall be made and the case stated heard and determined in accordance with the provisions of subsection (2) of section 33 of the Summary Jurisdiction Act 1879 as if the case stated by the Compensation Board were a case stated by a court of summary jurisdiction.

Limit of appeal.

35. In no case shall there be any appeal by special case where the amount claimed does not exceed one hundred pounds.

Board may require compensation to be expended in repairs etc.

36. The Compensation Board may require any compensation in respect of lands buildings or works to be expended in the filling up of holes in such lands or the restoration or repair of

PART IV —*cont.*

such buildings or works and may refuse to pay such compensation except on their surveyor's certificate that the amount thereof has been properly expended in such filling up restoration or repair.

Power to purchase land by agreement.

37. The Compensation Board may for the purposes of this Act by agreement purchase or take on lease sell or exchange any lands within the compensation district.

Consultation in relation to planning permission or approval of plans.

38.—(1) If in the opinion of the Compensation Board any land in the compensation district is subsiding or liable to subside the Compensation Board may send to the local planning authority and to the local authority of the county district in which such land is situate a plan of such land on a convenient scale signed by their clerk.

(2) The local planning authority or the local authority as the case may be shall consult with the Compensation Board before determining any application for planning permission or for approval of plans deposited in accordance with building byelaws in respect of any building proposed to be erected on any land shown on any such plan and if so requested by the Compensation Board shall at the expense of the Compensation Board attach to any document by which the decision on such application is communicated to the applicant such particulars as the Compensation Board may reasonably require including the address of the Compensation Board and a copy of any recommendations issued by the Compensation Board for the guidance of persons intending to build on land subsiding or liable to subside.

(3) In this section—

"planning permission" has the meaning assigned to that expression by section 119 of the Town and Country Planning Act 1947; and

"building byelaws" means building byelaws as defined in section 343 of the Public Health Act 1936.

Board to keep register.

39. The Compensation Board shall cause a book to be kept in which shall be entered from time to time particulars of the lands in respect of which the damage has been ascertained either once for all or for a number of years and the Compensation Board shall provide an ordnance map or ordnance maps of convenient size on which shall be shown from time to time by the use of colours the situation and extent of such lands Such book and map or maps shall be kept at the offices of the Compensation Board or such other place as shall be from time to time appointed by the Compensation Board and shall at all times be open to inspection without fee by all persons.

PART IV —*cont.*

Restriction on right to compensation.

40.—(1) Nothing in this Act shall entitle to compensation under this Act—

(*a*) any brine pumper ;

(*b*) any owner of land who receives brine rents royalties for salt or other similar remuneration or consideration in respect of land for which such brine rents royalties for salt or other remuneration or considerations are paid ;

(*c*) any owners or occupiers of salt or alkali works in respect of such works ;

(*d*) any county council or local authority except in respect of a dwelling-house belonging to any of them and land held by any of them for the purpose of erecting a dwelling-house thereon ;

(*e*) any other highway authority or any river sewer or other public authority ;

(*f*) any statutory undertakers in respect of land which was operational land on the date on which the damage became apparent within the meaning of subsection (7) of section 30 (Claims for compensation) of this Act.

(2) Except as provided by this Act no other action or proceedings shall be commenced or taken for or in respect of any damage or injury for which compensation has been claimed under this Act.

(3) If in relation to any claim duly made in accordance with the provisions of section 30 (Claims for compensation) of this Act any question arises whether on the date on which the damage became apparent within the meaning of subsection (7) of that section land of statutory undertakers was operational land it shall be determined by the appropriate Minister.

(4) In this section the expressions " statutory undertakers " " operational land " and " appropriate Minister " have the meanings assigned to them respectively by subsection (1) of section 119 of the Town and Country Planning Act 1947 and subsection (2) of that section shall apply.

PART V

RATING OF BRINE PUMPERS AND FINANCE

Rating of brine pumpers.

41.—(1) The Compensation Board shall from time to time estimate the sum required to be levied in order to pay the claims under this Act and the amount for each thousand gallons of brine estimated to be pumped or raised in the compensation district which will suffice after allowance for the rebate to provide for such claims and for the expenses of the Compensation Board and for any sum to be set aside to the reserve fund

PART V —*cont.*

under the powers of this Act and shall make a rate upon the brine pumpers of such sum for each thousand gallons of brine pumped or raised as will be sufficient to produce the sum so required to be levied.

(2) Every brine pumper shall be rated under this Act and every rate shall be payable on demand at the expiration of one month after such rate has been made and the sum assessed on any brine pumper by any such rate may be recovered by the Compensation Board by action in any court of competent jurisdiction.

(3) Any rate or rate book purporting to be made by authority of the Compensation Board and to be sealed with their seal or a certificate in writing signed by the chairman or the clerk of the Compensation Board purporting to be given under this Act and to be sealed with the seal of the Compensation Board shall be evidence that the brine pumper named therein is liable for the sum mentioned therein and of all matters necessary to entitle the Compensation Board to recover such sum.

(4) The rate or rates shall not exceed in the aggregate in any period of twelve months the sum of sixpence for each thousand gallons of brine pumped or raised during the immediately preceding period of twelve months by each brine pumper:

Provided that where in respect of any period of twelve months the financial resources of the Compensation Board notwithstanding the exercise of their powers under section 48 (Abatement of claims postponement of payments etc.) of this Act are by reason of an abnormal occurrence insufficient to enable the Compensation Board to make an equitable payment to meet the claims under this Act the Minister may on the application of the Compensation Board and after such inquiry as he may think fit by order direct that the sum of sixpence shall be increased for a period of one year to such sum not exceeding ninepence as he may by such order prescribe.

Rebate in respect of controlled pumping.

42.—(1) In respect of any part of the brine pumped or raised by any brine pumper which is raised by controlled pumping the Compensation Board shall allow a rebate calculated at the rate of sixty-six and two-thirds per centum upon the amount of every rate payable by him so far as it is levied in respect of such brine.

(2) If at any time damage for which compensation may be paid under this Act has arisen or is arising from the subsidence of land as a result of the raising of brine by controlled pumping the amount of the rebate allowed to the brine pumper by whose pumping the damage has arisen or is arising shall be reduced or discontinued.

PART V —*cont.*

(3) If any difference shall arise between any brine pumper on the one hand and the Compensation Board or any other brine pumper on the other hand as to whether—

(*a*) any brine is raised by such first-mentioned brine pumper by controlled pumping; or

(*b*) damage as aforesaid has been or is being caused by the controlled pumping of such first-mentioned brine pumper;

such difference shall be determined by arbitration.

(4) If the arbitrator shall determine that—

(*a*) the brine raised by such first-mentioned brine pumper is not raised by controlled pumping; or

(*b*) damage as aforesaid has been or is being caused by such first-mentioned brine pumper by controlled pumping;

the arbitrator shall also determine whether the rebate to be allowed to such brine pumper shall be discontinued or reduced and if he shall determine that the rebate shall be reduced he shall either fix the amount of the reduction or direct the Compensation Board to fix such amount.

Mode of assessing rates.

43. In assessing a rate the Compensation Board shall proceed as follows:—

(i) they shall ascertain and determine by means of the returns to be made under this Act and by such other evidence (if any) as they think necessary or convenient the total yield of brine in any year or other period in the compensation district and the part of such yield which consists of brine raised by controlled pumping;

(ii) they shall fix what rate for each thousand gallons of brine will produce the necessary sum subject to allowance for the rebate;

(iii) they shall assess every brine pumper according to the number of gallons in the total yield returned by him subject to revision by the Compensation Board.

Computation of quantity of brine.

44. It shall be lawful for the Compensation Board from time to time by regulations to establish and adopt any system or systems of computation of the quantity of brine pumped or raised at any pumping station or other place where brine is pumped or raised but such regulations shall not be held to limit their right to be guided by other evidence.

Returns to be made.

45.—(1) It shall be lawful for the Compensation Board from time to time to make byelaws prescribing forms and contents of returns and the times (not being oftener than once a month

PART V —*cont.*

for each pumping station) and the manner of making returns by any brine pumper in the compensation district or by any agent or servant of any such person and requiring such return to state (amongst other things) the quantities of brine pumped or raised and the quantities pumped or raised by controlled pumping at any pumping station.

(2) Any person required by the Compensation Board to make any return under this Act or such byelaws who fails to make such return or wilfully or negligently makes a return untrue in any material respect shall be liable on summary conviction to a penalty not exceeding twenty pounds for each offence and to a daily penalty not exceeding two pounds for each day on which an offence is continued after conviction thereof.

(3) The Compensation Board may by summons under their seal require the attendance before them of any person liable to make any return under this Act or who makes any claim under this Act or of any agent or servant of any such person and the production by him of any books or accounts and may require a statutory declaration from any person so summoned touching any matter material to any question to be answered in any returns.

(4) Any such person failing to attend or to produce any such books or accounts or to answer any questions put to him in pursuance of this section shall be liable on summary conviction to a penalty not exceeding ten pounds.

(5) (*a*) The provisions contained in subsections (2) (3) (4) (5) (6) and (7) of section 250 and in sections 251 and 252 of the Local Government Act 1933 shall apply to byelaws made by the Compensation Board under this section and those provisions shall for the purposes of this section be construed as if the Compensation Board were a local authority within the meaning of those sections and the clerk of the Compensation Board were the clerk of the local authority.

(*b*) The confirming authority for the purposes of the said provisions of the said section 250 shall be the Minister.

Appeal against rate.

46.—(1) Any person who deems himself aggrieved by any rate made under the provisions of this Act may appeal against such rate to the quarter sessions for the county on the ground that the quantity of brine in respect of which he ought to be assessed is less than the quantity in respect of which he is assessed.

(2) The provisions of section 1 of the Summary Jurisdiction (Appeals) Act 1933 (as amended by the Criminal Justice Act 1948) shall apply to appeals to quarter sessions under this Act as if the rate made under the provisions of this Act were a conviction or an order of a court of summary jurisdiction.

PART V —*cont.*

(3) On appeals under this Act against any rate the court of quarter sessions shall have the same power to amend or quash any rate or assessment as is vested in any court of quarter sessions with respect to amending or quashing any rate or assessment under the Poor Rate Act 1801.

Contracts prior to appointed day.

47. Every brine pumper who after the appointed day supplies brine pumped or raised outside the existing compensation district in pursuance of a contract made before the appointed day shall be entitled to be paid by the person to whom he supplies such brine the amount of the rate from time to time levied under this Act and paid by him in respect of such brine unless such contract shall otherwise provide and the amount of such rate may be recovered by such brine pumper from the person so supplied by him as aforesaid by action in any court of competent jurisdiction.

Abatement of claims postponement of payments etc.

48.—(1) If at any time it appears to the Compensation Board that the funds applicable for compensation in the compensation district are or will become insufficient to meet in full the claims made or to be made on such funds the Compensation Board may so declare and thereupon the Compensation Board may make a pro rata abatement on the amounts which would otherwise be payable in respect of any claims to be made or allowed after such declaration or may make an interim payment and defer the balance of such claims for consideration in any subsequent year under the provisions of section 41 (Rating of brine pumpers) of this Act.

(2) Where it appears to the Compensation Board that the compensation payable under this Act in any particular case is exceptional in character and amount or that the immediate payment of the compensation in any particular case or cases will disable them from meeting the other claims on them they may spread the payment of such compensation with or without interest over such number of years as they think just.

Reserve fund.

49. It shall be lawful for the Compensation Board if they think fit to form a reserve fund not exceeding in amount (except as provided by section 27 (As to application of balance of existing compensation fund) of this Act) one hundred thousand pounds for the purpose of meeting any exceptional claims or providing for deficiencies which may occur in any year or years and for that purpose they may set aside and carry to such reserve fund such sum as they think fit out of the rates raised under this Act and they may apply any moneys from time to time standing to the credit of such reserve fund to meet any such exceptional claim or such deficiencies The interest from time to time accruing on moneys standing to the credit of the reserve fund shall be from time to time added to the compensation fund.

PART V —*cont.*

Power to invest moneys.

50.—(1) The Compensation Board may invest any moneys for the time being in their hands and not immediately required for the purposes of this Act in statutory securities.

(2) In this section "statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by the council of any county or county district or by any authority being a local authority as defined by section 34 of the Local Loans Act 1875 but does not include any annuities rentcharges or securities transferable by delivery.

Power to Compensation Board to borrow temporarily from trustees.

51.—(1) The Compensation Board may borrow and the trustees appointed under section 27 (As to application of balance of existing compensation fund) of this Act may lend such sum not exceeding one thousand five hundred pounds as the Compensation Board may require to meet expenditure incurred by them between the date of the passing of this Act and the receipt of the proceeds of the rate levied under this Act on the brine pumpers in respect of the period of twelve months immediately following that date.

(2) Any sum so borrowed shall be repaid by the Compensation Board within a period of two years from the date or dates of borrowing.

Allowances to chairman and members of Compensation Board.

52. As from the appointed day—

(*a*) the Compensation Board may pay to the chairman of the Compensation Board for the purpose of enabling him to meet the expenses of his office such allowances as the Compensation Board may think reasonable;

(*b*) Part VI (which relates to allowances to members of local authorities and other bodies) of the Local Government Act 1948 shall apply to the Compensation Board as if the Compensation Board were the council of a county and a member of the Compensation Board were a member of that council.

PART VI

MISCELLANEOUS

Accounts and audit.

53.—(1) The Compensation Board shall keep proper accounts and other records in relation to their business and shall prepare in respect of each financial year a proper income and expenditure account together with a balance sheet.

PART VI —*cont.*

(2) The books and accounts of the Compensation Board shall be subject to audit by a district auditor.

Power of entry.

54.—(1) Any person authorised by the Compensation Board shall have power at all reasonable times after reasonable notice to the occupier to enter on inspect and to survey any land buildings or premises in respect of which any claim has been made under this Act and for the purpose of obtaining or verifying returns to enter any premises in respect of which any return is to be or has been made under this Act and any person who obstructs any such entry inspection or survey shall be liable on summary conviction to a penalty not exceeding five pounds for every such offence.

(2) If any person who in compliance with the provisions of this section is admitted into a factory workship or workplace discloses to any person any information obtained by him in the factory workshop or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Power to promote and oppose Bills etc.

55. The Compensation Board may promote Bills in Parliament and may oppose any Bill in Parliament and may apply for or oppose provisional or other orders and may prosecute or defend or otherwise engage in any legal proceedings.

Inquiries by Ministers.

56. The Minister the Minister of Transport and the Minister of Fuel and Power may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them under this Act and section 290 of the Local Government Act 1933 shall apply to any such inquiry as if it were an inquiry held in pursuance of subsection (1) of that section and the Compensation Board were a local authority.

Application of Arbitration Act.

57. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such arbitration.

Repeal.

58. On the appointed day the Act of 1896 and the Order of 1896 shall be and are hereby repealed.

PART VI —*cont.*

Costs of Act.

59. All costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid in the first instance by the county council out of their county fund as general expenses but shall be repaid to the county council by the Compensation Board within a period of five years from the appointed day out of the compensation fund as part of the expenses of the Compensation Board.

SCHEDULES

FIRST SCHEDULE

AREAS FORMING THE COMPENSATION DISTRICT

The borough of Crewe.

The urban districts of—

Alsager.
Knutsford.
Lymm.
Middlewich.
Northwich.
Sandbach.
Winsford.

The rural districts of—

Bucklow.
Congleton.
Nantwich.
Northwich.

In the rural district of Macclesfield—

The parishes of—

Mottram St. Andrew.
Over Alderley.
Nether Alderley.
Chorley.
Chelford.
Great Warford.
Snelson.
Withington.
Siddington.
Henbury.
Marton.
Eaton.
Gawsworth.
North Rode.

In the rural district of Runcorn—

The parishes of—

Whitley.
Stretton.
Antrobus.
Great Budworth.

SECOND SCHEDULE

NUMBER OF MEMBERS OF COMPENSATION BOARD APPOINTED BY LOCAL AUTHORITIES AND MODE OF APPOINTMENT

PART I

Appointing authority	Number of members
Crewe Corporation	one
Urban district councils of—	
Northwich, Knutsford, Lymm	one
Winsford, Sandbach, Middlewich, Alsager	one
Rural district councils of—	
Northwich, Bucklow, Runcorn	one
Nantwich, Congleton, Macclesfield	one

PART II

1. A member of the Compensation Board appointed by a group of local authorities shall be appointed by those local authorities acting through a joint committee.

2. The joint committees for appointing members of the Compensation Board shall consist of one member appointed by each local authority in the group.

3. The names and addresses of the members so appointed shall be notified in writing by the clerks of the other local authorities in the group to the clerk of the local authority whose name appears first in the group as set out in Part I of this schedule who shall be responsible for convening a meeting of the joint committee at such time and place as after consultation with the clerks of the other local authorities in the group he shall think convenient and shall act as clerk to the joint committee.

4. At such meeting the member of the Compensation Board to represent the group of local authorities shall be appointed by the joint committee and in the case of an equality of votes it shall be decided by lot which of the persons having an equal number of votes shall be appointed.

THIRD SCHEDULE

RULES GOVERNING ELECTIONS BY BRINE PUMPERS

Qualification of electors and scale of voting

1. No brine pumper shall be entitled to vote or to have a voting paper delivered to him or his nominee at any election unless the name of such brine pumper is on the register of brine pumpers entitled to vote at such election.

2. Every brine pumper whose name is on the register shall be entitled to votes in accordance with the following scale (that is to say):—

If the quantity of brine pumped or raised by the brine pumper during the year ending on the thirtieth day of June before the formation of the register is not more than ten million gallons one vote;

If the quantity of brine pumped or raised during such year exceeds ten million gallons and is not more than twenty million gallons two votes;

If the quantity of brine pumped or raised during such year exceeds twenty million gallons and is not more than thirty million gallons three votes;

For every additional ten million or part of ten million gallons of brine pumped or raised during such year an additional vote:

Provided that in no case shall any brine pumper be entitled to vote for more than three persons:

Provided also that the quantity of brine in respect of which a rebate has been allowed under section 42 (Rebate in respect of controlled pumping) of this Act to any brine pumper shall be deemed for the purpose of ascertaining voting rights under this rule to be one-third of the quantity upon which such rebate has been allowed.

Returning officer

3. The returning officer for the purposes of the election shall be the chairman of the Compensation Board or in the case of the first election the chairman of the existing board or if he be unable or unwilling to act such person as he shall by writing under his hand appoint and all powers and duties by this Act vested in or imposed on the returning officer and all other powers and duties requisite to be exercised or performed by him in relation to such election shall be exercised and performed by such chairman or such other person as aforesaid as the case may be.

4. If the office of chairman of the Compensation Board is vacant at the time when any such power or duty must be exercised or performed or if such chairman or the chairman of the existing board or such other person as aforesaid (in the case of the first election) or any person appointed as hereinafter provided as the case may be dies or is from illness or other sufficient cause unable to exercise or perform such powers or duties or is absent or refuses

to act some other person shall be appointed (in the case of the first election by the existing board and in any other case by the Compensation Board) to exercise or perform such powers and duties.

5. The chairman of the Compensation Board or (in the case of the first election) the chairman of the existing board shall before or during the election appoint a sufficient number of persons to assist the returning officer in conducting and completing the same.

Formation and revision of register of persons entitled to vote at first election

6. The returning officer shall not later than the twenty-second day of August nineteen hundred and fifty-two publish by advertisement in two consecutive weeks in the same local newspaper or newspapers circulating in the compensation district a notice—

(1) fixing the days on which and the place where the claims of brine pumpers to be inserted on the register of persons entitled to vote are to be sent in ;

(2) requiring every claim so sent in to be signed by the brine pumper or in the case of a partnership firm or company to be signed or sealed in accordance with rule 9 of this schedule and to state—

(*a*) the precise situation of each pumping station or other place within the compensation district where the brine pumper pumps or raises brine from any well bore-hole shaft spring or mine ;

(*b*) the quantity of brine in gallons pumped or raised at each such pumping station or other place during the year ended the thirtieth day of June nineteen hundred and fifty-two ;

(*c*) the number of votes claimed ;

(*d*) an address where any voting paper may be served or delivered ;

(*e*) in case the claim is made in respect of a partnership firm the name and address of each partner and the full style or description of the firm ;

(*f*) in case the claim is made in respect of a company the registered title and office of the company ;

(3) appointing a place where forms of claim can be obtained ;

(4) fixing the days on and the hours during which and the place where the register of claims will be open to inspection by any brine pumper or any duly authorised agent of a brine pumper ;

(5) fixing the days on or before which and the place where objections by brine pumpers to any of the particulars entered upon the register must be sent in and requiring every objector to send at the same time a copy of his objection to the person affected thereby ;

(6) fixing the day or days for hearing objections and for final revision of the register.

3RD SCH. —*cont.*

7. The returning officer shall as soon as possible after the last day for sending in claims cause a register of the claims to be prepared in which shall be entered the particulars of every claim sent to him in accordance with the terms of the notice and he shall cause the register to be open for inspection by any brine pumper or any duly authorised agent of a brine pumper during such hours on each of six consecutive days (the first of such days to be not more than seven days after the last day for sending in claims) as he may appoint.

8.—(1) Any brine pumper claiming to be entitled to vote at the election may send to the returning officer on or before the day specified in the notice an objection to the retention of any name on the register or to any of the particulars entered on the register.

(2) A brine pumper making an objection shall at the same time send a copy of his objection to the person affected thereby.

9. Every claim or objection sent in on behalf of a partnership firm or of a company shall in the case of a firm be signed by a majority of the persons constituting the firm and in the case of a company be under the common seal of the company.

10. The returning officer shall appoint a day or days (the first of such days not being earlier than the third day after the last day on which objections are to be sent in) for hearing objections and for final revision of the register.

11. The returning officer shall determine the validity of any claim to which objection has been made and for that purpose may examine such persons and call for such evidence from the persons making the claim or objection as he may think fit No objection shall be heard or entertained by the returning officer which shall not have been made or of which a copy shall not have been sent to the person affected thereby as required by rule 8 of this schedule.

12. The returning officer shall expunge from the register the name of any person objected to who shall be proved to his satisfaction not to be entitled to vote at the election and shall revise the register in accordance with the facts that may be proved to his satisfaction and his decision shall be final and conclusive on all parties.

13. The returning officer shall sign the register so revised by him and the register so revised and signed shall be the register of brine pumpers entitled to vote at the first election or at any election held before the completion of the revision of the register in the succeeding year.

Revision of register of brine pumpers

14. The returning officer shall in each year cause a new register to be prepared in which shall be entered the several particulars contained in the last preceding register but revised in all necessary particulars according to the information disclosed by the returns made under section 45 (Returns to be made) of this Act the quantity of brine pumped or raised during the year ended at the thirtieth day

of June then next preceding being entered as the qualifying quantity of brine and the votes being calculated in accordance with rule 2 of this schedule upon such quantity. 3RD SCH. —*cont.*

15. The returning officer shall in each year publish by advertisement in two consecutive weeks in the same local newspaper or newspapers circulating in the compensation district (the second of such notices to appear not later than the first day of October) a notice—

(1) stating the days on and the hours during which and the place where the register so prepared will be open to inspection by any brine pumper or any duly authorised agent of a brine pumper ;

(2) stating the days on which and the place where any brine pumper whose name is not entered upon such register may send in his claim and requiring every claim so sent in to be signed by the person claiming or in the case of a claim on behalf of a partnership firm or company to be signed or sealed in accordance with rule 9 of this schedule and to state the particulars mentioned in sub-division (2) of rule 6 of this schedule ;

(3) stating the days on which and the place where the claims to be entered on the register will be open to inspection by any brine pumper or any duly authorised agent of a brine pumper ;

(4) stating the day on or before which and the place where objections by brine pumpers to any of the particulars entered upon the register or to any claim to be entered thereon must be sent to him and requiring every person objecting to send at the same time a copy of his objection to the person affected thereby ;

(5) stating the day or days for hearing objections and for final revision of the register.

16. The returning officer shall cause the register prepared under rule 14 of this schedule to be open for inspection by any brine pumper or duly authorised agent of a brine pumper during such hours in each of six consecutive days (the first of such days to be not later than the fifteenth day of October) as he may appoint.

17. Any brine pumper whose name is not entered on such register may not less than three clear days before the first day to be fixed for making objections send in a claim to be inserted in the register but every such claim shall be made in the manner and contain the particulars required by the notice The returning officer shall cause such claims to be open for inspection by any brine pumper or duly authorised agent of a brine pumper for three consecutive days prior to the last day fixed for making objections.

18.—(1) Any brine pumper himself claiming to be entitled to vote at the election may send to the returning officer on or before the day specified in the notice an objection to the retention of any name on

3RD SCH. —*cont.*

the register or to any of the particulars entered on the register or to any claim made under rule 17 of this schedule.

(2) A brine pumper making an objection shall at the same time send a copy of his objection to the person affected thereby.

19. The returning officer shall appoint a day or days (the first of such days not being earlier than the third day after the last day on which objections are to be sent in) for hearing objections and for final revision of the register.

20. The returning officer shall determine the validity of any entry on the register to which objection has been made or of any claim pursuant to rule 17 of this schedule and for that purpose may examine such persons and call for such evidence from the persons making the claim or objection as he may think fit No objection shall be heard or entertained by the returning officer which shall not have been made or of which a copy shall not have been sent to the person affected thereby as required by rule 18 of this schedule.

21. The returning officer shall expunge from the register the name of any person objected to who shall be proved to his satisfaction not to be entitled to vote and shall revise the register in accordance with the facts that may be proved to his satisfaction and shall enter therein every claim made under rule 17 of this schedule which shall be proved to his satisfaction to be properly made and well founded and his decision shall be final and conclusive on all parties.

22. The returning officer shall sign the register so revised by him and the register so revised and signed shall be the register of brine pumpers entitled to vote at any election held before the completion of the revision of the register in the succeeding year.

Nomination and election of members by brine pumpers

23. The returning officer shall not less than fourteen days before the day appointed by him for delivery to him of nominations send by registered post to every person entitled to vote at the address entered in the register a notice signed by him and specifying—

(*a*) the number of persons to be elected ;

(*b*) the day on or before which every partnership firm or company entitled to vote must appoint a person to vote on their behalf as hereinafter mentioned ;

(*c*) the place where forms of nomination may be obtained ;

(*d*) the place where and the day upon and the hours during which the nominations are to be delivered or sent to him ;

(*e*) the day on which the voting papers in case of a contest will be sent out and the day on or before which and the place where they are to be returned ; and

(*f*) the place for the examination and casting up of the votes.

24. Every partnership firm or company who may desire to vote shall appoint some person to vote on their behalf and such appointment shall contain the full name and address of the person appointed

and shall in the case of a partnership firm be signed by a majority of the persons constituting the firm and shall in the case of a company be under the common seal of the company and shall be notified to the returning officer not later than the last day specified in the notice for the delivery or sending in of nominations. 3RD SCH. —*cont.*

25. Any brine pumper entitled to vote (including any person appointed by a partnership firm or company to vote on their behalf) may nominate for the office of elected member of the Compensation Board himself or any other person or persons not exceeding the number of persons to be elected Provided that no person shall be so nominated who is disqualified from being elected or being an elected member of the board.

26. Every such nomination shall be in writing and shall state the name residence and calling or quality of each person nominated and shall be signed by the nominator.

27. Any person nominated may withdraw from his candidature by giving notice to that effect signed by him to the returning officer not later than two clear days before the day for sending out the voting papers in case of a contest.

28. If the number of persons nominated and not withdrawn is the same as or less than the number of persons to be elected such persons (if duly qualified) shall be deemed and shall be certified by the returning officer under his hand to be elected.

29. If the number nominated and not withdrawn exceeds the number to be elected the returning officer shall cause voting papers to be prepared and shall insert therein the full names and addresses of the persons nominated and not withdrawn in the alphabetical order of the surnames of such persons but it shall not be necessary to insert more than once the name of any person nominated and he shall also insert on each of such voting papers the name and address of the person entitled to vote and the number of votes to which such person is entitled.

30. The returning officer shall not less than seven days before the last day on which the voting papers are to be returned to him cause the proper voting paper to be delivered by a person appointed by him for that purpose or sent by post by registered letter at the address stated in the register of each person entitled to vote at the election or in the case of a partnership firm or company at the address of the person appointed to vote for such firm or company.

31. Every voter may give all the votes to which he is entitled to one candidate or may distribute them among any three candidates.

32. Each voter shall place in the proper column of the voting paper against the name of any candidate for whom he votes the number of votes he gives to such candidate and shall sign such voting paper and in case the voter acts on behalf of a firm or company he shall state the name of the firm or company for whom he acts.

3RD SCH. —*cont.*

33. If any person entitled to receive a voting paper has not received a voting paper as aforesaid he shall on personal application to the returning officer on or before the last day for returning the voting papers be entitled to receive a voting paper from him and to fill up the same in his presence and then and there to deliver the same to him.

34. The voter shall send the voting paper to the returning officer so as to reach him on or before the day fixed by him in the notice of the election either by leaving or causing the same to be left in the place named in the notice or by posting the same as a registered letter so as to reach the returning officer not later than noon of the day fixed by the notice.

35. In case of the voting at any election of any partnership firm or company such person only as shall have been appointed and whose appointment shall have been notified as required by rule 24 of this schedule shall be entitled to vote.

Counting of votes

36.—(1) The returning officer shall on the day immediately following the day of collection of the voting papers attend at the place appointed for the examination and casting up of the votes and he shall cast up such of the votes as he finds to be valid and to have been duly given and shall ascertain the number of such votes for each candidate.

(2) Any candidate may himself attend or may appoint any agent to attend the examination and casting up of the votes Any candidate or agent so attending who obstructs or in any way interferes with the examination and casting up of the votes may by order of the returning officer be forthwith removed from the place appointed for that purpose and if so removed shall not be permitted to return.

37. The candidates to the number to be elected who have obtained the greatest number of votes shall be deemed and shall be certified by the returning officer under his hand to be elected and to each person so elected the returning officer shall forthwith send or deliver notice of his election:

Provided that in the case of an equality of votes it shall be decided by lot which of the persons having an equal number of votes shall be elected.

38. The returning officer shall also cause to be made a list containing the names of the candidates together with (in case of a contest) the number of votes given for each and the names of the persons elected and shall sign and certify such list and shall deliver the same together with the nomination and voting papers which he has received to the Compensation Board at their first or next meeting (as the case may be) who shall cause the same to be deposited in their office.

General provisions

3RD SCH. —*cont.*

39. The returning officer shall make all his arrangements for the conduct of every triennial election subsequent to the first so as to ensure its completion before the third Thursday in the month of November and in the case of an election to fill a casual vacancy so as to ensure its completion in accordance with the provisions of this Act with respect to the filling of casual vacancies.

40. Whenever the day appointed for the performance of any act in relation to any election is a Sunday Christmas Day or Good Friday or a bank holiday or any day appointed for public fast or thanksgiving such act shall be performed on the day next following unless it is one of the days excluded as aforesaid and in that case on the day following such excluded day.

41. The reasonable expenses attendant upon the preparation and revision of the register of persons entitled to vote or upon any election and such reasonable remuneration to the persons appointed by the chairman of the Compensation Board or (in the case of the first election) by the chairman of the existing board to assist the returning officer for services performed or expenses incurred by them in relation thereto as may be allowed by the returning officer and such reasonable remuneration to the returning officer or other persons for services performed or expenses incurred by them in relation thereto as may be allowed by the Compensation Board shall be paid out of the compensation fund.

FOURTH SCHEDULE

RULES AS TO MEETINGS AND PROCEEDINGS

1. The chairman of the Compensation Board is entitled to preside at every meeting but if at any meeting the chairman is not present at the time appointed for holding the same the vice-chairman shall be entitled to preside and if neither the chairman nor vice-chairman be present the members present shall choose some one of their number to be chairman of such meeting.

2. The chairman of the Compensation Board may at any time call a meeting If the chairman refuses to call a meeting after a requisition for that purpose signed by five members of the Compensation Board has been presented to him any five members of the Compensation Board may forthwith on that refusal call a meeting If the chairman (without so refusing) does not within seven days after such presentation call a meeting any five members of the Compensation Board may on the expiration of those seven days call a meeting.

3. Three clear days at least before any meeting of the Compensation Board a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the chairman or clerk of the Compensation Board shall be left or delivered by post

4TH SCH. —*cont.*

at the usual place of abode of every member of the Compensation Board Want of service of the summons on any member of the Compensation Board shall not affect the validity of a meeting.

4. To constitute a meeting of the Compensation Board there must be at least one-third of the members personally present.

5. All acts of the Compensation Board and all questions coming or arising before the Compensation Board may be done and decided by the majority of such members of the Compensation Board as are present and vote at a meeting held in pursuance of this Act.

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

6. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of the meeting or of the next ensuing meeting.

7. Subject to the foregoing provisions of this schedule the Compensation Board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

Table of Statutes referred to in this Act

Short title	Session and chapter
Poor Rate Act 1801	41 Geo. 3. c. 23
Local Loans Act 1875	38 & 39 Vict. c. 83
Summary Jurisdiction Act 1879	42 & 43 Vict. c. 49
Brine Pumping (Compensation for Subsidence) Act 1891	54 & 55 Vict. c. 40
Brine Pumping (Compensation for Subsidence) Provisional Order Confirmation Act 1896 ...	59 & 60 Vict. c. iv
Summary Jurisdiction (Appeals) Act 1933 ...	23 & 24 Geo. 5. c. 38
Local Government Act 1933	23 & 24 Geo. 5. c. 51
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Local Government Superannuation Act 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 68.
Local Government Superannuation Act 1939 ...	2 & 3 Geo. 6. c. 18
Water Act 1945	8 & 9 Geo. 6. c. 42
Town and Country Planning Act 1947	10 & 11 Geo. 6. c. 51
Local Government Act 1948	11 & 12 Geo. 6. c. 26
Criminal Justice Act 1948	11 & 12 Geo. 6. c. 58
Arbitration Act 1950	14 Geo. 6. c. 27

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