CHAPTER xxxvi.

An Act to provide for the transfer of the water undertaking of the Connah's Quay Gas and Water Company Limited to the urban district council of Connah's Quay to authorise the Council to supply water in their district and for other purposes. [8th July 1926.]

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WHEREAS the urban district of Connah's Quay in the county of Flint (in this Act called "the district") is under the local government of the urban district council of Connah's Quay (in this Act called "the Council"):

And whereas the Connah's Quay Gas and Water Company Limited (in this Act called "the Company") are authorised by the Connah's Quay Gas and Water Order 1876 to supply and are supplying under and by virtue of the said Order gas and water within the limits of supply described in that Order which form part of the district:

And whereas it is expedient that the agreement set out in the schedule hereto relating to the transfer of the water undertaking of the Company to the Council should be confirmed and the Council should be authorised to supply and distribute water throughout the district:

And whereas it is expedient that further provision should be made with reference to the supply of water by the Council as in this Act hereinafter appearing:

[*Price* 1*s.* 6*d. Net.*]

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

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the purchase of the water undertaking - - - - - -	9,000
For additional mains service pipes and other waterworks purposes - -	5,000
For working capital - - - -	1,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

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):—

PRELIMINARY.

Short title.

1. This Act may be cited as the Connah's Quay Urban District Council Water Act 1926.

Incorporation of general Acts.

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

The Lands Clauses Acts except the provisions thereof with reference to the purchase of lands otherwise than by agreement;

The Waterworks Clauses Acts 1847 and 1863 except the words "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner" in section 44 of the said Act of 1847 and except sections 75 to 82 of that Act with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 relating to accounts.

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Interpretation.

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

"the Council" means the Connah's Quay Urban District Council;

"the district" means the urban district of Connah's Quay;

"the clerk" means the clerk of the Council;

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

"the Company" means the Connah's Quay Gas and Water Company Limited;

"the Order of 1876" means the Connah's Quay Gas and Water Order 1876;

"the limits of supply" means the limits within which the Council are from time to time authorised to supply water;

"the Company's water limits" means the limits within which the Company were under the Order of 1876 authorised to supply water;

"the water undertaking" means the water undertaking of the Council as existing from time to time;

"the water undertaking of the Company" means the waterworks mains pipes plant meters fittings and all other the real and personal property books plans maps specifications documents assets and effects of whatever nature and all rights powers and privileges and the benefit of all contracts vested in or belonging to or had and enjoyed by the Company at the date of transfer exclusively for the purposes of or in connection with the supply and distribution of water within the Company's water limits;

"the date of transfer" means the thirtieth day of September nineteen hundred and twenty-six;

"the scheduled agreement" means the agreement dated the first day of March nineteen hundred

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and twenty-six and made between the Company of the one part and the Council of the other part;

"the Lands Clauses Acts" means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919;

"statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

TRANSFER OF UNDERTAKING.

Transfer of water undertaking.

4.—(1) The scheduled agreement is hereby confirmed and made binding upon the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under their respective common seals

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(2) On the date of transfer the water undertaking of the Company shall by virtue of this Act be transferred to and vested in the Council free from encumbrances and from all debts and liabilities of the Company.

(3) As from the date of transfer all powers rights duties and obligations of the Company with reference to the supply of water under the Order of 1876 shall cease and determine.

Receipt for purchase money.

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

Contracts to be binding.

6. Except as in this Act otherwise expressly provided all agreements contracts deeds and other instruments affecting the Company and in force at the date of transfer shall after that date so far as the same relate to or affect the water undertaking of the Company be as binding and of as full force and effect against or in favour of the Council and may be continued or enforced as fully and effectually as if instead of the Company the Council had been a party thereto.

Books &c. to remain evidence.

7. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the Company shall be admitted in evidence in respect of the same and the like matter for or against the Council.

Application of

8. As from the date of transfer the following provisions of the Order of 1876 shall be read and construed

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as if the Council instead of the Company had been the undertakers referred to therein :—

provisions of Order of 1876.

Section 3 (Interpretation);
Section 18 (Incorporation of Acts);
Section 19 (Interpretation);
Section 24 (Power to construct waterworks and supply water);
Section 25 (Power to take water from Broad Oak Brook);
Section 28 (Undertakers to make good certain expenses to which Arthur Hills Esquire may be rendered liable owing to abstraction of water from Broad Oak Brook);

Schedule B.

LIMITS OF ACT.

Limits of supply.

9. The limits of this Act for the supply of water by the Council shall be the district.

WORKS.

Power to maintain existing waterworks.

10.—(1) Subject to the provisions of this Act the Council may maintain repair and use and from time to time alter improve enlarge deepen extend and renew or discontinue any waterworks and exercise any powers or rights vested in them by virtue of this Act and such waterworks shall be deemed to form part of the water undertaking and the Council may sell and supply water within the limits of supply.

(2) The Council may upon the lands described in Schedule B to the Order of 1876 make and maintain all such buildings machinery works and apparatus as may be necessary or convenient in connection with or subsidiary to the waterworks vested in them by or under this Act but nothing in this subsection shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on such lands.

Limiting powers of Council to abstract water.

11. The Council shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the

lands upon which the same are to be constructed are specified in this or some other Act of Parliament or some Order confirmed or approved by Parliament. A.D. 1926.

Temporary discharge of water into streams.

12.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any waterworks of the Council the Council may cause the water in any such waterworks to be temporarily discharged into any available stream or watercourse and for that purpose the Council may lay down and maintain in any street all necessary discharge pipes and apparatus and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets as incorporated with this Act shall with the necessary modifications apply thereto.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such powers the amount of compensation to be settled in default of agreement by arbitration.

(3) The powers conferred by this section shall not be exercised so as to damage or injuriously to affect the railways or works of a railway company.

For protection of London and North Eastern Railway Company.

13. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the Council and the company apply and have effect (that is to say):—

(1) In laying and maintaining any mains pipes culverts or other works (hereinafter included in the expression "the authorised works") over upon across under or in proximity to any work or property of the company the Council shall execute such works with all despatch and under the direction and superintendence (if given) and to the reasonable satisfaction of the engineer of the company and in accordance with plans sections and specifications previously submitted to and approved by him Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof:

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(2) The Council shall with all despatch restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the company and the roads over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or in connection with the authorised works:

(3) If the company so elect they may themselves execute the authorised works (other than the actual laying and jointing of the pipes) and may recover from the Council the reasonable expenses incurred by the company in connection therewith:

(4) The authorised works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the company or any interruption to the passage or conduct of traffic over such railway or at any station thereon and if any such injury damage or interruption arises from the acts or operations of the Council or by reason of the failure of the Council to maintain the authorised works or from the bursting leakage or failure of the authorised works all such injury or damage shall forthwith be made good by the company at the expense of the Council and the Council shall indemnify the company from all claims for or arising out of any such injury damage or interruption and shall make compensation to the company for and in respect thereof:

(5) In the event of the Council failing to maintain the authorised works in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency the company may make good the same and make and do in and upon the lands of the Council or their own lands all such repairs and things as may be reasonably requisite and recover from the Council the reasonable expenses incurred by them in connection therewith:

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(6) If it should be necessary during the construction of the authorised works or by reason of the existence of the same to alter any telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railway of the company the company may effect such alterations and the Council shall repay to them the reasonable expenses incurred by them in connection with such alterations :

(7) The Council shall bear and on demand pay to the company the reasonable expense incurred by the company of and in connection with the employment by them during the construction and maintenance of the authorised works over under or across the railway or other property of the company of a sufficient number of inspectors signalmen and watchmen to be appointed by the company for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and maintenance of the authorised works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person or persons in the employ of the Council or their contractors :

(8) If at any time it is found necessary in order to enable the company to carry out under any existing powers of the company any alterations widenings or extensions of their railway or works that the position of the authorised works shall be altered the Council shall on receiving notice in writing from the company so to do at the Council's own cost and with all despatch alter the position of the same so far as may be necessary to enable the company to carry out such alterations widenings or extensions and the provisions of this section shall apply to the authorised works in their altered position :

(9) Any difference arising between the Council and the company respecting any of the matters referred to in this section shall be referred to

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and determined by an arbitrator to be appointed failing agreement at the request of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of London Midland and Scottish Railway Company.

14. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter referred to as "the railway company") shall unless otherwise agreed between the Council and the railway company be in force and have effect :—

(1) In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works of the Council upon across over under or in any way affecting the railways lands or property belonging to the railway company and used or occupied by them for the purposes of their undertaking or the bridges approaches viaducts stations or other works or any level crossings over the railways of the railway company the same shall be done under the superintendence if the same be given and to the reasonable satisfaction of the principal engineer of the railway company according to plans to be submitted to and in such manner as shall be previously reasonably approved by him Provided that if the said engineer shall not express his disapproval of such plans within twenty-one days from the submission thereof he shall be deemed to have approved thereof :

(2) The Council shall restore and make good the roads over any bridges level crossings and approaches which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Council and all the works matters and things aforesaid shall be constructed executed and done so as not to cause any injury to the railways bridges level crossings approaches viaducts stations works lands or property forming part of the railway undertaking of the railway company or interruption to the passage or conduct of traffic

over such railways or unreasonable interruption to the traffic at any station thereon :

(3) If any such injury or interruption as aforesaid shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works the Council shall make compensation in respect thereof to the railway company :

(4) Any dispute or difference which may arise between the railway company and the Council with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall failing agreement be settled by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to any such arbitration.

LANDS.

Power to purchase additional lands by agreement.

15. Subject to the provisions of this Act the Council in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of the water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres The Council may on any lands from time to time held by them execute for the purposes of or in connection with the water undertaking any of the works (other than wells and works for taking or intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 :

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking.

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Protection of water supply.

16.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Council are empowered to take the Council may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes:

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Council.

(2) The Council may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road traversing the said lands or within the district subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Council or by such owners lessees or occupiers of works for draining such lands or for more effectually collecting conveying and preserving the purity of the waters which the Council are for the time being authorised to take.

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Power to Council to make and enforce byelaws.

17.—(1) The Council may make and enforce byelaws for maintaining the purity and preventing the pollution fouling or contamination of the waters which they are authorised to take for the purposes of the water undertaking and may by such byelaws prescribe the construction laying down maintenance protection and use of drains sewers watercourses and all other works and conveniences necessary and proper for the purposes aforesaid and make provision for the prevention of nuisances and the prevention or regulation of any act or thing tending to the polluting fouling contaminating or discolouring of the said waters Any such byelaws when confirmed as by this Act provided shall be in force within the areas from or through which the said waters flow or within so much of those areas as may be defined in the byelaws.

(2) Any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(3) The Council shall pay compensation to the owners and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section who shall be injuriously affected by such byelaws and such compensation shall in case of difference be settled in accordance with the provisions of the Lands Clauses Acts.

Persons under disability may grant easements &c.

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

Power to retain sell &c. lands.

19. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration

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and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Reservation of water rights &c. on sale.

20. The Council on selling any lands held by them for the purposes of the water undertaking and not required for those purposes may reserve to themselves any water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations and special provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Dwelling-houses for employees and other buildings.

21. The Council may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the water undertaking and offices and other buildings for the purposes of that undertaking and may also erect maintain and let any such buildings upon any land for the time being belonging or leased to the Council for those purposes.

SUPPLY.

Further powers as to mains.

22. The Council shall have and may exercise within the limits of supply the powers which a local authority would have under section 54 of the Public Health Act 1875 with respect to the carrying of water mains within and without their district:

Provided that the Council shall not exercise such powers under any lands or property belonging to a railway company without the consent of such company which consent shall not be unreasonably withheld.

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Application of Waterworks Clauses Act 1847 to discharge pipes and telephones.

23. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall with the necessary modifications apply within the limits of supply to the construction laying down erection and maintenance in any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Council may and which they are hereby authorised to erect or lay down within the limits of supply for the purposes of the water undertaking.

For protection of Postmaster-General.

24. Any telephone or telegraph posts wires conductors or apparatus erected or laid down by the Council under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Detection of waste.

25.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks 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 break up and interfere temporarily with public and private streets sewers gas air or water pipes electric and other lines wires and apparatus.

(2) Provided that the Council 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.

(3) Provided also that the Council shall not enter upon break up or interfere with the railway or works or any electric lines wires or apparatus belonging to a railway company or any street belonging to such company without the consent of that company or unreasonably interfere with or render less convenient the access to or exit from any station or depot of that company.

As to communication pipes.

26.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus used for or in connection with the supply of water by the Council

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the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and be 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 Council may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the limits of supply execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Council to connect communication pipes with mains.

27. Notwithstanding anything contained in any Act relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Power to Council to repair communication pipes.

28. If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property or to the health of any person it shall be lawful for the Council by and under the direction of their duly authorised officer to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council for the purpose of ascertaining the injury or defect and in executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Council 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 :

Provided that except in cases of emergency the Council shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and in any case where the communication pipe is repairable by the owner of such house or premises to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Maintenance of common pipe.

29. When 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 Council in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

Application of section 35 of Waterworks Clauses Act 1847.

30. Section 35 of the Waterworks Clauses Act 1847 in its application to the Council shall be read and construed as if the words "one sixth part" and "five successive years" were substituted therein for the words "one tenth part" and "three successive years" respectively.

Supply of water to high level areas.

31. It shall not be obligatory on the Council to afford any supply of water to any parts of the district at a greater altitude than seventy-five feet above ordnance datum in any case where it would not be reasonable to do so having regard to the cost of affording the supply the revenues to be derived from such supply and all the other circumstances of the case Any dispute between the Council and any company body or person requiring any such supply as to whether it would be reasonable to afford such supply shall be determined by the Minister of Health and the Minister may prescribe the terms and conditions on which a supply under this section shall be given by the Council.

Cisterns.

32. The Council 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

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Rates for supply of water.

33. As from the date of transfer the following provisions shall have effect (that is to say) :—

(1) The Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding twelve pounds and ten shillings per centum per annum on the rateable value of the premises supplied and so in proportion for any shorter period of a year :

(2) The rateable value of any such premises shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction :

(3) In addition to the foregoing rates the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) a sum not exceeding seven shillings and sixpence per annum and for every fixed bath a sum not exceeding seven shillings and sixpence per annum such additional sums to be paid quarterly in advance and be recoverable in all respects with and as the water rate.

Revision of rates.

34. The Minister of Health may if he thinks fit from time to time on the application of the Council by order vary the rates and charges for the supply of water which the Council are by this Act authorised to charge.

Payment of water rates.

35. Notwithstanding anything contained in section 70 of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rates and charges shall be payable at such date or dates as the Council may from time to time appoint:

Provided that no person shall be compellable to pay water rates or charges in advance for any longer period than three months.

Rates payable by owners of small houses.

36. Where any premises supplied with water are let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered from the occupier and may be deducted by him from the rent from time to time due from him to the owner:

Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Incoming tenant not liable to pay arrears.

37. In case any consumer of water supplied by the Council leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Council shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

As to supply of water for motor vehicles &c.

38. Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge an additional sum not exceeding twenty shillings per annum and where more motor cars than one are ordinarily kept a further sum not exceeding ten shillings per annum for each motor car beyond the first and any sum charged under the provisions of this section shall be recoverable in all respects with and as the water rate.

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Supply of water to houses partly used for trade &c.

39.—(1) The Council shall not be bound to supply with water otherwise than by measure (*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 hospital asylum (whether public or private) sanatorium school club hotel public-house or inn or (*c*) any boarding-house capable of accommodating at least twelve persons or (*d*) any other public institution which is habitually occupied by at least twenty persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate.

(3) The minimum quarterly charge for a supply of water by measure to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same rateable value.

Price of supply by meter.

40. The price to be charged by the Council or a supply of water by meter shall not exceed two shillings and sixpence a thousand gallons.

Byelaws for preventing waste &c. of water.

41.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination of water.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) Such byelaws shall not apply to any water fittings used on the premises of any railway company other than premises to which the Council are bound under the Waterworks Clauses Act 1847 to afford a constant supply.

(4) In case of failure of any person to observe any of such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

Notice of connecting or disconnecting meters.

42. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for any such offence be liable to a penalty not exceeding forty shillings.

Notice to discontinue supply of water.

43. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Council or be given by the consumer personally at the office of the Council.

Register of meter to be prima facie evidence.

44.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any charge is made the recovery whereof is sought by the Council.

(2) Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and

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Injuring meters &c.

45.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy of the Council in relation thereto) be liable to a penalty not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to supply water fittings.

46.—(1) The Council may if requested by any person supplied or about to be supplied by them with water sell or furnish to him and repair or alter but shall

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not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof.

(3) Subject to the provisions of subsection (2) of this section all fittings let by the Council on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Council Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed:

(4) Provided as follows—

(*a*) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(*b*) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the fixing repairing or removal thereof such sum shall be clearly stated in such demand note;

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(*c*) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

Contracts for supply of water in bulk.

47. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of supply to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of supply Provided also that nothing in this section shall authorise the Council to lay any mains or other pipes or to interfere with any street beyond the limits of supply.

Purchase of water in bulk.

48. The Council may enter into and carry into effect agreements with any local authority company or person supplying water under Parliamentary authority for the supply of water by such local authority company or person of water in bulk to the Council on such terms and conditions and for such period as may be agreed upon.

FINANCIAL.

Power to borrow.

49.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the revenue fund and rate mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred

to as "the prescribed period") mentioned in the fourth column of the said table (namely) :— A.D. 1926.

1	2	3	4
Purpose.	Amount.	Security.	Period.
	£		
(*a*) For the purchase money payable by the Council on the transfer of the water undertaking of the Company.	9,000	The revenue of the water undertaking and the district fund and general district rate.	Forty years from the date or dates of borrowing.
(*b*) For defraying the costs and expenses incident to the purchase and transfer of the water undertaking of the Company (other than the costs charges and expenses of this Act).	The sum requisite.	The same -	Forty years from the date or dates of borrowing.
(*c*) For additional mains service pipes and other waterworks purposes.	5,000	The same -	Forty years from the date or dates of borrowing.
(*d*) Working capital -	1,000	The same -	Ten years from the date or dates of borrowing.
(*e*) For paying the costs charges and expenses of this Act.	The sum requisite.	The same -	Five years from the passing of this Act.

(2) Any mortgages which may be issued by the Council in pursuance of the scheduled agreement shall be deemed to be issued in partial exercise of the borrowing powers to be conferred for purpose (*a*) of the foregoing table and the moneys represented thereby shall be deemed to be moneys borrowed by the Council under such powers.

(3) (*a*) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act or of the water undertaking including the provision of working capital.

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(*b*) Any moneys borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

Certain provisions of Public Health Acts not to apply.

50. The powers of borrowing money conferred by this Act shall not be restricted by any of the provisions or regulations of the Public Health Acts and in calculating the amount which the Council may borrow under those Acts any sums which they may borrow under or for the purposes of this Act shall not be reckoned.

Method of raising money.

51. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

52. The following sections of the Public Health Act 1875 with any necessary modifications shall extend and apply to mortgages granted under this Act :—

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

Mode of payment off of money borrowed.

53. The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months of the date of borrowing.

Sinking fund.

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

(*a*) by payment to the fund throughout the prescribed period of such equal annual sums as

will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at the rate of three pounds ten shillings per centum per annum (or such other rate as the Minister of Health may from time to time authorise) will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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

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

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

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

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

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

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

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in

the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Minister of Health discontinue the annual payments to such sinking fund until the Minister of Health shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Minister of Health may determine.

Power to use sinking fund instead of borrowing.

55.—(1) The Council may exercise any borrowing power conferred on them by this Act either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund formed under this Act as shall be available for the repayment of moneys borrowed by the Council thereunder Provided that when exercising the powers of this section the Council shall—

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

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

(*c*) debit the account of the borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of this Act as to the repayment and re-borrowing of sums raised under the borrowing power shall apply thereto accordingly.

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

Protection of lender from inquiry.

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

Council not to regard trusts.

57. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of receiver.

58.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest due on their mortgages by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

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

59.—(1) The Council shall have power— Power to re-borrow.

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under this Act 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 Council in repaying moneys previously borrowed under this Act 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 prescribed period 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 Council 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 Council 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.

60. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which the Council are authorised to borrow the same and (except in the case of money borrowed for current expenses) to which capital is properly applicable. Application of money borrowed.

61. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council. Receipt in case of persons not sui juris.

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Interest on mortgages held jointly.

62. Where more persons than one are registered as joint holders of any mortgage of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council.

Return to Minister of Health with respect to repayment of debt.

63.—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under this Act.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer or other the chief accounting officer of the Council 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) If it appears to the Minister by such a return as aforesaid or otherwise that the Council 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 purpose 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 Council 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.

Expenses of executing Act.

64. All expenses incurred by the Council in carrying into execution the provisions of this Act and not otherwise expressly provided for shall be defrayed by the Council as expenses under the Public Health Act 1875

out of the revenue of the water undertaking or out of the district fund. A.D. 1926

Water revenue and expenses.

65. All money received by the Council on account of the revenue of the water undertaking (including the interest on any reserve fund by this Act authorised in connection therewith when such fund amounts to the prescribed maximum) shall be carried to and shall form part of the district fund and all payments and expenses made and incurred in respect of the water undertaking shall be paid out of that fund.

Application of revenue.

66.—(1) The Council shall apply all money received by them in respect of the water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account in manner and in the order following (that is to say) :—

(*a*) In payment of the working and establishment expenses and cost of maintenance of the water undertaking :

(*b*) In payment of the interest on money borrowed for the purposes of the water undertaking :

(*c*) In providing the requisite appropriations instalments or sinking fund payments in respect of money borrowed for the purposes of the water undertaking :

(*d*) In extending and improving (if the Council think fit) any works for the purposes of the water undertaking :

(*e*) In providing a reserve fund (if the Council think fit) by setting aside such an amount as they may from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equivalent to one-tenth of the aggregate capital expenditure for the time being by the Council upon the water undertaking.

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(2) Any reserve fund formed under this section shall be applicable to meet any deficiency at any time happening in the revenue of the water undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the water undertaking or the cost of renewing improving or extending any part of or otherwise for the benefit of the water undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens :

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(3) Whenever the money received by the Council from the water undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Council for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Council think fit to an extent equivalent to the amount of such excess Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next succeeding year the amount of such excess or any part thereof will be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

Proceeds of sale of surplus lands.

67. The Council shall (except to such extent and upon such terms as may be approved by the Minister of Health) apply any capital moneys received by them on the sale or exchange of or by leasing any lands acquired under the authority of this Act in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act.

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Confirmation of byelaws.

68. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Council under the powers of this Act.

Recovery of penalties &c.

69. Save as otherwise expressly provided all offences against any Act or Order from time to time relating to the water undertaking and all penalties forfeitures costs and expenses imposed or recoverable thereunder or under any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

70. Proceedings for the recovery of any demand made under the authority of any Act or Order from time to time relating to the water undertaking whether provision is or is not made for the recovery thereof in any specified court or manner may be taken in any county court otherwise having jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Authentication and service of notices &c.

71.—(1) Where any notice or demand under this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents the service whereof is required or authorised by this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served:

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

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Incorporation of sections 259 and 265 of Public Health Act 1875.

72. Section 259 (Appearance of local authorities in legal proceedings) and section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 are hereby incorporated with this Act and shall extend and apply to the Council and the members and officers of the Council and the clerk as if the purposes of this Act were purposes of the Public Health Act 1875.

Inquiries by Minister of Health.

73.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consent by him under this Act and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

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

Copy of Act to be registered.

74. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a memorandum of association or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding up in England.

Justices not disqualified.

75. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Several sums in one summons or warrant.

76. Where the payment of more than one sum by any person is due under this Act or any other Act or Order relating to the water undertaking any summons or warrant issued for any of the purposes of such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Arbitration.

77. Where under this Act any question or dispute is referred to an arbitrator or to arbitration then (except where otherwise expressly stated and except questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be to a single arbitrator to be appointed by the President of the Institution of Civil Engineers and otherwise subject to the provisions of the Arbitration Act 1889.

Application of penalties.

78. All penalties recovered under this Act or under any byelaw thereunder shall except in the case of penalties recovered against the Council be paid to the treasurer of the Council and be by him carried to the credit of the revenue of the water undertaking.

Informations by whom to be laid.

79. Save as in this Act is expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder or of any other Act or Order relating to the water undertaking may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk.

Penalties not cumulative.

80. Penalties imposed under this Act and the Acts wholly or in part incorporated herewith for one and the same offence shall not be cumulative.

Repeal.

81. The following provisions of the Order of 1876 are hereby repealed as from the date of transfer :—

Section 23 (Undertakers to hold limited quantity of land only);

Section 29 (Quality of water);

Section 30 (Limits of pressure);

Section 31 (Rates for supply for domestic purposes);

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Section 32 (Rates for waterclosets baths and horses &c.);
Section 34 (Supply of water by meter);
Section 35 (Undertakers to keep meters in repair);
Section 36 (Register of meters to be evidence);
Section 37 (Amendment of 10 & 11 Vict. c. 17 s. 44);
Section 38 (When several houses supplied by one pipe each to pay);
Section 39 (Supply of water to tenements in a row);
Section 40 (Impurity of water);
Section 41 (Injuring meters);
Section 42 (Misuser where supply to several houses is by a pipe common to all);
Section 43 (Incoming tenant not liable to pay arrears);
Section 44 (Several names in one summons);
Section 45 (Warrant of distress to include costs);
Section 46 (Liability to water rate not to disqualify justices from acting).

Costs of Act.

82. 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 Council out of the district fund and general district rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act.

Stamp.

Ten shillings.

AN AGREEMENT made the first day of March 1926 between the CONNAH'S QUAY GAS AND WATER COMPANY LIMITED (hereinafter called "the Company") of the one part and the CONNAH'S QUAY URBAN DISTRICT COUNCIL (hereinafter called "the Council") of the other part.

Whereas the Company are authorised by the Connah's Quay Gas and Water Order 1876 to supply and are supplying under and by virtue of the said Order gas and water within the limits of supply described in that Order which form part of the urban district of Connah's Quay :

And whereas as a result of negotiations which have taken place between the Company and the Council the Company have agreed to sell and transfer to the Council the water undertaking of the Company on the terms hereinafter set forth :

Now these presents witness that it is hereby agreed between the Company and the Council as follows :—

In and for the purposes of this agreement the expressions—

"the date of transfer" means the 30th day of September 1926;

"the water undertaking of the Company" means the waterworks mains pipes plant meters fittings and all other the real and personal property books plans maps specifications documents assets and effects of whatever nature and all rights powers and privileges and the benefit of all contracts vested in or belonging to or had and enjoyed by the Company at the date of transfer exclusively for the purposes of or in connection with the supply and distribution of water within the limits of the Company for the supply of water;

"the Order of 1876" means the Connah's Quay Gas and Water Order 1876.

1. The Company shall sell and the Council shall purchase as a going concern the water undertaking of the Company free from incumbrances and from all debts and liabilities of the Company.

A.D. 1926.

2. The Company shall pay or remain responsible for all the debts and liabilities of or attaching to the water undertaking of the Company on capital account up to the date of transfer including any mortgages debentures or debenture stock which may be owing by the Company on the date of transfer and shall indemnify the Council against all such mortgages debentures and debenture stock and all interest due or hereafter to become due thereon and all other debts and liabilities of the Company accrued at the date of transfer and against all claims and demands in respect thereof.

3. The consideration for the sale shall be the payment by the Council to the Company on the date of transfer of the sum of 9,000*l.* in cash or if and so far as the Company and the Council may agree such consideration may be satisfied by mortgages or other securities of the Council for the whole or any part of such sum.

4. Upon the said consideration being so paid or satisfied as aforesaid the sale hereby agreed upon shall be completed and the water undertaking of the Company shall be transferred to and vested in the Council The title of the Company to any lands or other property forming part of the water undertaking shall commence with the several conveyances or other assurances to them of such lands or property.

5. If at the date of transfer the Company are possessed of or entitled to any plans or documents which relate partly but not exclusively to the water undertaking of the Company the Council shall be entitled without further payment to the full benefit thereof so far as they relate to the said undertaking and the Company shall at all times afford to the Council liberty of access thereto and of taking copies thereof without payment and shall also if the Council so require supply to the Council at the cost of the Council copies of any such plans or documents.

6. The Company shall be entitled to all rates rents profits and sums of money accrued due and shall discharge and pay all outgoings and liabilities in respect of the water undertaking of the Company up to the date of transfer and the Council shall be entitled to all rates rents profits and sums of money accruing due and shall discharge all outgoings and liabilities in respect of the water undertaking of the Company on and after the said date Provided that nothing in this agreement contained shall entitle the Company to retain for their own benefit so much of any water rates or rents or other payments in respect of such undertaking paid or payable in advance as shall be attributable to any period after the date of transfer but such rates rents or other payments shall be apportioned and so much thereof as is attributable to any period after the date of transfer shall be paid

over by the Company to the Council The Company shall have free access to any books or other documents handed over to the Council for the purpose of collecting any sums due to them up to the date of transfer.

7. The Company shall not without the written consent of the Council make any increase in the charges made by them for the supply of water or in connection therewith.

8. Until the date of transfer the water undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business with all due care but the Company shall not without the previous consent of the Council in writing under the hand of the clerk of the Council raise any further capital or enter into any contract agreement or obligation in relation to the water undertaking of the Company except such as shall be reasonably necessary in the ordinary course for the maintenance of the works and the proper conduct of that undertaking.

9. Nothing in this agreement shall be deemed to transfer to the Council any liability in respect of any action arbitration or proceeding which at the date of transfer is pending or existing against or in favour of the Company.

10. If from any cause other than the wilful default of the Company the transfer is not completed on the date of transfer the Council shall pay to the Company interest on the said sum of 9,000*l*. from the date of transfer until the actual date of completion at the rate of five pounds per centum per annum.

11. The Council shall after the date of transfer supply the Company with such a quantity of water in bulk as the Company may require delivered at the gasworks of the Company at cost price plus 10 per cent.

12. This agreement is subject to the approval of Parliament and to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration in this agreement it shall be competent to either party hereto by notice in writing to that effect given to the other party to withdraw from this agreement and the same shall thereupon with the exception of the payment of the Company's costs under Clause 14 hereof be void and of no effect.

13. If this agreement be not confirmed by Parliament in either the Session 1926 or the Session 1927 the same shall be void and of no effect.

14. The Council shall use their best endeavours to obtain an Act of Parliament to confirm this agreement and to make the same binding on the parties hereto and the Company shall at

A.D. 1926. the request and at the cost of the Council as from the 27th day of January 1926 support the application of the Council for such an Act of Parliament as aforesaid by evidence or otherwise as the circumstances may require The said Act shall provide (*a*) for the transfer to the Council of the powers rights duties liabilities and obligations of the Company with regard to the supply of water and in connection therewith and (*b*) if the Company so require for the application of the purchase price by the Company to any purposes to which capital of the Company is properly applicable.

15. If any question or difference shall arise with reference to this agreement or the construction thereof or as to anything herein contained or as to the rights liabilities or duties of either party hereunder the same shall be referred to an arbitrator to be appointed by the President of the Society of Parliamentary Agents and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to such reference and arbitration and to this agreement as if it were a submission to arbitration under that Act.

In witness whereof the parties hereto have hereunto caused their respective seals to be affixed the day and year first above written.

Passed under the Common Seal of the Company in the presence of } L.S.

JNO. STONE
WILLIAM D. FORBER. } Directors.

Sealed by the Connah's Quay Urban District Council in the presence of } L.S.

ANDREW E. RENEY Chairman.
ARTHUR J. MOTHERSOLE Clerk.

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