CHAPTER clxii.

An Act to authorise the Urban District Council of Felixstowe and Walton to purchase the undertaking of the Felixstowe and Walton Waterworks Company and for other purposes. [25th July 1898.]

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WHEREAS the district of Felixstowe and Walton in the county of Suffolk is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Felixstowe and Walton Urban District Council (herein-after called "the Council"):

And whereas the Felixstowe and Walton Waterworks Company (in this Act called "the Company") under and by virtue of the Felixstowe and Walton Waterworks Act 1895 (herein-after called "the Act of 1895") have constructed waterworks and are authorised to supply with water the parishes of Felixstowe and Walton and parts of the parishes of Trimley Saint Mary and Trimley Saint Martin all in the county of Suffolk:

And whereas by section 37 of the Act of 1895 it is provided as follows viz.:—

"(1) The Company shall not except with the consent of the Felixstowe and Walton Urban District Council raise any capital under the provisions of this Act (except so far as may be necessary for defraying expenditure on capital account made in the ordinary course of the proper conduct of the affairs of the Company since the date of the deposit of the Bill for this Act and with the intention of benefiting the undertaking) until the twenty-first day of December one thousand eight hundred and ninety-five and if the said Council shall introduce a Bill into Parliament and bonâ fide promote the same in any of the next three available sessions of Parliament to empower them to purchase the undertaking of the Company the Company shall not raise any of the said capital (except with the consent aforesaid or for the purposes aforesaid) during the promoting of such Bill and the Company

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shall not oppose such Bill except in so far as may be necessary in order to secure the insertion therein of clauses to protect their interests with respect to such purchase and for that purpose the Company shall be at liberty to petition either or both Houses of Parliament and to appear on such petition by counsel agents and witnesses if they think fit;

(2) Any such sale and purchase shall be for such price or consideration and on such terms and conditions as may be agreed on between the Company and the said Council or as failing such agreement shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts with reference to the purchase and taking of lands otherwise than by agreement and in the construction of the said provisions the expression "the promoters of the undertaking" shall mean the said Council and the expression "lands" shall mean the undertaking of the Company Provided that for the purpose of any such arbitration the sale and purchase shall be deemed to be a sale and purchase by compulsion and not by agreement and in addition to the sum to be paid by the said Council to the Company under the foregoing provisions of this section the said Council shall pay to the Company the costs and expenses incurred by them of and incident to the winding up of the Company and compensation to any officers and servants in the regular employment of the Company in respect of any loss of office or diminution of salary or income the amount of such costs and expenses and compensation in default of agreement to be determined by arbitration as aforesaid":

And whereas it is expedient that the water supply of the district should be under the control of the Council and the Council have resolved to introduce the Bill for this Act to empower them to purchase the undertaking of the Company in accordance with the provisions of section 37 of the Act of 1895 and it is expedient that the powers in this Act granted with reference to such purchase should be conferred upon them:

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

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

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And whereas such resolution was published twice in the said East Anglian Daily Times and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Council at a further special meeting held in pursuance of a similar notice on the fifth day of January one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

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

PRELIMINARY.

Short title.

1. This Act may be cited as the Felixstowe and Walton Water Act 1898.

Incorporation of Acts.

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

The Waterworks Clauses Act 1847 (except the provisions thereof 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) but that Act shall be read and have effect as if the words "with the "consent in writing of the owner or reputed owner of any such "house or of the agent of such owner" were omitted from section 44:

The Waterworks Clauses Act 1863.

Interpretation.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the company" means the Council:

And in this Act unless the context otherwise requires—

"The district" means the urban district of Felixstowe and Walton;

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"The Council" means the Urban District Council of the urban district of Felixstowe and Walton;

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

"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 (not being annuities) 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 other than securities of the Council and securities transferable by delivery;

"The Company" means the Felixstowe and Walton Waterworks Company;

"The Company's Act" means the Felixstowe and Walton Waterworks Act 1895;

"The undertaking of the Company" means the undertaking authorised by the Company's Act and includes all the waterworks engines mains pipes and machinery lands and buildings plant fixed and movable stock in trade coal and other stores and all other the real and personal property assets and effects of whatever nature and all the rights powers and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of the undertaking of the Company to the Council under the provisions of this Act except cash in hand and at bankers securities for money and debts due to the Company.

Execution of Act.

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

Limits of Act.

5. The limits of this Act shall be the parishes of Felixstowe and Walton and the parts of the parishes of Trimley Saint Mary and Trimley Saint Martin west of the boundary of the said parish of Walton and within a line commencing at a point where the boundaries of all three such parishes meet thence proceeding in a westerly direction along the northern boundary of Trimley Saint Mary to Church Lane and thence in a straight line to a point in the highway leading from Trimley to Ipswich about fifteen chains south-east from the junction of Drab's Lane with the said highway thence in a straight line south-westerly to a point in the Great Eastern Railway fence opposite the eighty-second mile post from London thence following south-easterly the line of such fence to the point where it meets the parish boundary of Walton all in the county of Suffolk:

Provided that until the transfer of the undertaking of the Company to the Council nothing in this Act shall authorise the Council to supply water within any part of the said limits.

Power to local authority &c. to supply water in case Council fails to supply.

6. If at any time after the expiration of five years from the fourteenth day of May one thousand eight hundred and ninety-five the Council are not furnishing or prepared to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in such part of their district within the limits of supply in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of such district not sufficiently supplied by the Council or from some other source as if in either case there was no authority authorised by this Act to supply water therein:

If any difference shall arise between the Council and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Board of Trade.

Company to sell their undertaking to Council.

7.—(1.) The Company shall sell and the Council shall purchase the undertaking of the Company for such consideration being a sum in gross and on such terms and conditions as may be agreed upon between the Company and the Council or as failing such agreement shall be determined by arbitration in manner provided by the Lands Clauses Acts and the Council shall give notice to the Company to treat for the purchase of the undertaking within six months from the date of the passing of this Act and if such notice shall not be given or if having been given the purchase shall not be completed within six months after the publication of the award the powers of purchase and sale by this Act conferred shall lapse and the provisions of this Act shall expire and the Council shall repay to the Company all costs charges and expenses reasonably incurred by them of and incident to the protection of their interests in relation to the Bill for this Act and also of and in relation to any proceedings thereunder and the Company shall make no claim against the Council for damages or otherwise or take any steps to enforce the purchase.

(2.) Provided that for the purpose of any such agreement or arbitration the sale and purchase shall be deemed to be a sale and purchase by compulsion and not by agreement and in addition to the sum to be paid by the Council to the Company under the foregoing provisions of this section the Council shall pay to the Company the costs and expenses incurred by them of and incident

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to the winding up of the Company and compensation to any officers and servants in the regular employment of the Company in respect of any loss of office or diminution of salary or income the amount of such costs and expenses and compensation in default of agreement to be determined by arbitration as aforesaid.

(3.) The provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement are incorporated with and form part of this Act and in construing those provisions for the purposes of this Act "the special Act" means this Act "the promoters of the undertaking" means the Council and "lands" means the undertaking of the Company.

Receipt for purchase money.

8. The receipt in writing of three directors of the Company for any money paid to the Company by the Council 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 misapplication or non-application thereof Provided that if from any cause the Council are unable to obtain such receipt they may pay the money 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 three directors.

Transfer.

9.—(1.) On payment by the Council of the amount of purchase money to the Company or on payment of the amount into the Bank of England under the provisions of this Act the undertaking of the Company with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Council subject to the provisions of this Act and such transfer and vesting is in this Act referred to as "the transfer."

(2.) The production of a Queen's Printer's copy of this Act duly stamped together with a receipt for the purchase money purporting to be signed by three directors of the Company or by the cashier of the Bank of England shall (unless it be proved that such purchase money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Council of the undertaking of the Company.

Pending actions.

10. If at the date of the transfer any action arbitration or proceeding is pending against or in favour of the Company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the

same may be continued prosecuted and enforced against or in favour of the Council as and when it might have been continued prosecuted and enforced against or in favour of the Company if this Act had not been passed but not further or otherwise.

Contracts of Company to be binding on Council.

11. All agreements contracts conveyances deeds and other instruments affecting the Company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Council and may be enforced as fully and effectually as if instead of the Company the Council had been a party thereto.

Application of purchase money.

12. The Company shall hold the purchase money paid to them by the Council under this Act in trust to pay apply and distribute the same amongst the shareholders and stockholders in the Company according to the amount of the maximum dividend payable to each shareholder or stockholder and for the purpose of such distribution the several persons whose names shall appear in the books of the Company at the date of the transfer to be the proprietors of shares or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders or stockholders of the Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share stock or interest in respect whereof that money is paid.

Payment into court by directors.

13.—(1.) Where the directors of the Company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the county court of Suffolk holden at Ipswich under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the Company and directors from all further liability with respect to the money so paid.

(2.) If any money be payable to any shareholder of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company and the directors for the same.

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(3.) After the transfer and until the Company shall be wound up and dissolved the Company shall be entitled to retain all share registers and other books relating solely to the shareholders of the Company and shall have access at all reasonable times to all books documents and accounts relating to the transferred undertaking for the purpose of making up the accounts of the Company to the date of the transfer and for all other reasonable purposes for or in relation to the winding up and dissolution of the Company.

Winding-up and dissolution of Company.

14. So soon as conveniently may be after the transfer the affairs of the Company shall be wound up and for that purpose the directors of the Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the distribution of the purchase money and for winding up the affairs of the Company and when and so soon as such moneys have been distributed and their affairs have been wound up the Company shall be by virtue of this Act dissolved:

If the number of directors of the Company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors shall from time to time choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

Company to pay outgoings and to be entitled to all receipts till transfer.

15. The Company shall pay and discharge all outgoings and liabilities of every kind properly chargeable to revenue up to the date of transfer including liabilities in respect of causes of action then existing and shall be entitled to all rates rents and other receipts on revenue account from the undertaking up to that date and where necessary for the purpose of giving effect to this enactment such outgoings rates rents and receipts shall be apportioned between the Company and the Council.

Books &c. to remain evidence.

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

Maintenance of undertaking by Company till transfer.

17. Until the transfer the undertaking of the Company shall be maintained and carried on by the Company as heretofore in the ordinary course of business but the Company shall not without the previous consent of the Council under the hand of the clerk to the Council make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking.

Repeal of Company's Act with certain savings.

18. The Company's Act shall as from the transfer be repealed except the sections of the Act set forth in the schedule to this Act which sections shall apply and have effect as if the Council were therein referred to instead of the Company.

Power to hold lands for protection of works.

19. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of preventing the fouling of any water which they are authorised to take or for the protection of their waterworks against nuisances encroachments or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Rate payable by owners for small houses.

20. Where the rateable value of a house supplied with water does not exceed ten pounds or the house is 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 pay the rate for the supply but the rate may be recovered in the first instance 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 a notice to pay the rate being given to him or left at his dwelling-house.

Public drinking fountains.

21. The Council may put up remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for the watering of cattle horses and other animals at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply in such public places as the Council may think fit Provided that no fountain or trough shall be put up against any private dwelling-house warehouse counting-house shop or other building except with the consent of the owner and occupier thereof Any person who wilfully uses any water so gratuitously supplied elsewhere or otherwise than as herein-before mentioned shall be liable to a penalty not exceeding forty shillings.

Byelaws for preventing waste &c. of water.

22. For preventing waste misuse undue consumption or contamination of the water of the Council the following provisions shall have effect (that is to say) :—

(1) The Council may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of

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water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse erroneous measurement or contamination:

(2) No such byelaws shall be of any force or effect except within such part or parts of the district which the Council for the time being are bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure and the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made:

(3) In case of failure of any person to observe 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 pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances 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 repaid to the Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

When byelaws confirmed Council bound to supply water under constant pressure in parts of district specified.

23. Any byelaws which the Council submit to the Local Government Board for confirmation under the last preceding section shall specify the part or parts of the district to which such byelaws shall apply and after such byelaws (either in their original or in any modified form) have been confirmed by that Board the Council shall thenceforth be bound to supply with water under constant pressure the part or parts of the district specified in the byelaws so confirmed.

Provision for sale of portion of waterworks and plant to other sanitary authorities.

24. If at any time after the passing of this Act any local authority whose district is beyond the district of the Council but as to the whole or any part thereof within their limits for the supply of water shall give not less than six months notice in writing to the Council of their desire to purchase such portion of the waterworks

and plant of the Council as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Council (except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Council for the supply of water) and to supply water within such district then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the waterworks and plant of the Council (except as aforesaid) within the district of such local authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Council to supply water within the district of the purchasing authority shall cease and determine.

Authentication of notices.

25. When any summons demand or other document under this Act (except a conveyance contract or security) requires authentication by the Council the signature thereof by their clerk shall be a sufficient authentication.

FINANCIAL PROVISIONS.

Power to borrow.

26.—(1.) The Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say):—

(1) For the purchase of the undertaking of the Company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Council (other than the costs of this Act) the sum requisite for that purpose;

(2) For the improvement of the works and distributing apparatus the sum of ten thousand pounds;

(3) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose:

And with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of

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this Act or otherwise in relation to the water undertaking of the Council.

(2.) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the revenue of their water undertaking and if they think fit as a collateral security the district fund and general district rate.

Mode of *raising* money.

27. 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 Provided that the provisions of this Act with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

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

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

Provisions of Public Health Act as to mortgages to apply.

29. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

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

Periods for discharge of *loans*.

30. The Council shall pay off all moneys borrowed by them under this Act and the mortgage debt of the Company which at the time of transfer shall be owing within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for the purposes (1) and (2) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within fifty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (3) in the said section mentioned within ten years from the date or dates of the borrowing of the same;

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

Mode of payment off of money borrowed.

31. The Council shall pay off all moneys borrowed by them on mortgage 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 such instalments and partly by a sinking fund Provided that it shall not be obligatory on the Council to pay off money or make any appropriations for a sinking fund before the expiration of one year from the transfer.

Sinking fund.

32.—(1.) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act 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 herein-after 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 a rate not exceeding three pounds per centum per annum 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 herein-after 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 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 equal 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 equal annual payments to the fund are based any such excess may be applied towards such equal 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 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 accumulations thereon (in the case of an accumulating sinking fund) will probably 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 always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board 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 accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board 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 be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(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 Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board 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 as the Council with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

33. 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 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.

34. The Council shall not be bound to see to the execution of any trust whether expressed 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 from time to time be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of receiver.

35.—(1.) The mortgagees of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made 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 and the court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Power to re-borrow.

36. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the payment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

37.—(1.) The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of

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the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2.) If it appear to the Local Government Board by that return 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 by this Act for any sinking fund or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Proceeds of sale of surplus lands to be treated as capital.

38. The proceeds of the sale of any lands of the Council under the powers of this Act shall be distinguished as capital in the accounts of the Council and shall be applied in discharge of any moneys borrowed by the Council under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Application of money borrowed.

39. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Application of water revenue.

40. The Council shall apply all money from time to time received by them in respect of their water undertaking except

money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of their water undertaking;

Secondly In payment of the interest on moneys borrowed by the Council under this Act;

Thirdly In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed under this Act;

Fourthly In providing a reserve fund if they think fit by setting aside such money as they 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 five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their water undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens:

And the Council shall carry to the district fund so much of any balance (including the interest on the reserve fund when such fund amounts to five thousand pounds) remaining in any year as may in the opinion of the Council not be required for carrying on improving or extending their water undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

41. Any deficiency in the revenue of the Council on account of their water undertaking shall be made good out of the general district rate made next after each such deficiency is ascertained.

Inquiries by Local Government Board.

42.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2.) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses

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summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Expenses of execution of Act.

43. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate.

Separate accounts of water undertaking to be kept.

44. The Council shall keep a separate account of their receipts and expenditure for waterworks purposes on capital and revenue account and the provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and the accounts of their committees officers and servants under this Act.

Recovery of demands under fifty pounds.

45. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Powers of Act cumulative.

46. All powers given to the Council by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on them by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed Provided that no person shall incur more than one penalty for the commission of the same offence.

Costs of Act.

47. All 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 and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Council are authorised to borrow under the powers of this Act.

The SCHEDULE referred to in the foregoing Act.

The Sections of the Felixstowe and Walton Waterworks Act 1895 exempted from Repeal.

Section.	Marginal Note.
49	Power to maintain waterworks.
50	Power to take lands and waters.
51	Power to take easements &c. by agreement.
52	Purchase of lands by agreement.
53	Restriction on taking houses of labouring class.
54	Company may lease &c. spare lands of undertaking. Reservation of water rights &c. on sale.
55	As to pressure.
56	Rates at which water is to be supplied for domestic purposes. Rates for waterclosets and private baths.
57	Certain provisions as to supply.
58	Rate for supply by meters in certain cases.
59	Power to Company to supply water for other than domestic purposes.
60	Company not bound to supply several houses by one pipe.
61	Where several houses supplied by one pipe each to pay.
62	Supply of water to tenements in a row.
63	Incoming tenant not liable for arrears.
64	Notice of discontinuance.
65	Water for flushing sewers &c.
66	Power to sell or let meters.
67	Notice to Company of connecting or disconnecting meters.
68	Register of meter to be primâ facie evidence.
69	Fraudulently injuring meters &c.
70	Repair of meters.
71	Power to remove meters and fittings.
72	Power for Company to supply materials &c.
76	Contracts for supplying water for public purposes.
78	Liability to water rent not to disqualify justices &c.
79	Contents of summons &c.

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
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