CHAPTER xci.

An Act to provide for the transfer of the undertaking of the Hoylake and West Kirby Gas and Water Company to the urban district council of Hoylake and West Kirby to authorise the Council to supply gas and water in and in the neighbourhood of their district and for other purposes. [7th August 1925.]

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WHEREAS the urban district of Hoylake and West Kirby in the county of Chester (in this Act called "the district") is under the local government of the urban district council of Hoylake and West Kirby (in this Act called "the Council"):

And whereas the Hoylake and West Kirby Gas and Water Company (in this Act called "the company") were incorporated under the Hoylake and West Kirby Gas and Water Act 1923 and are authorised by that Act to supply and are in fact supplying under and by virtue of the said Act gas and water within the limits of supply described in that Act which include the district:

And whereas the company have agreed with the Council for the transfer of their undertaking to the Council and it is expedient that the agreement (a copy of which is set forth in the First Schedule to this Act) should be confirmed and that provision should be made for carrying it into effect and that power should be conferred upon the Council as is in this Act contained in relation to the said undertaking:

[*Price 2s. 6d. Net.*] A 1

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

And whereas the objects aforesaid 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:—

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(*a*) For the provision and laying of mains for the gas undertaking -	15,000
(*b*) For the provision and laying of mains for the water undertaking -	22,500

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):—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Hoylake and West Kirby Urban District Council Act 1925.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Transfer of undertaking.
Part III.—Supply of gas.
Part IV.—Supply of water.
Part V.—Financial and miscellaneous.

Incorporation of general Acts.

3. 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) :—

(*a*) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the taking of lands otherwise than by agreement);

(*b*) The Gasworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit and with respect to the yearly receipt and expenditure of the undertakers) Provided that section 13 of that Act shall be read as if the words "or any premises" were inserted after the words "private building" and as if the words "Pro- "vided also that every such contract entered "into by the Council shall be alike in terms and "amount under like circumstances to all consu- "mers" were added at the end of that section;

(*c*) The Gasworks Clauses Act 1871 (except sections 7 8 and 35 thereof); and

(*d*) The Waterworks Clauses Acts 1847 and 1863 except—

(i) 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 Waterworks Clauses Act 1847;

(ii) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts.

Inter-pretation.

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

"The district" means the urban district of Hoylake and West Kirby;

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"The Council" means the urban district council of the district;

"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 Hoylake and West Kirby Gas and Water Company;

"The Act of 1897" means the Hoylake and West Kirby Improvement Act 1897;

"The Act of 1900" means the Hoylake and West Kirby Improvement Act 1900;

"The Act of 1923" means the Hoylake and West Kirby Gas and Water Act 1923;

"The scheduled agreement" means the agreement dated the third day of November nineteen hundred and twenty-four and made between the company of the one part and the Council of the other part and set forth in the First Schedule to this Act;

"The undertaking of the company" means the gas and water undertakings of the company described in clause 1 of the scheduled agreement;

"The gas undertaking" and "the water undertaking" mean respectively the gas undertaking and the water undertaking of the Council;

"The appointed day" means the thirtieth day of June nineteen hundred and twenty-five being the day on which the Council are to purchase the undertaking of the company pursuant to the scheduled agreement;

"The day of transfer" means the day on which the consideration money mentioned in the scheduled agreement shall be paid to the company;

"The gas limits" means the limits of the Council for the supply of gas set forth in the Third Schedule to this Act;

"The water limits" means the limits of the Council for the supply of water set forth in the Fifth Schedule to this Act;

"The Wirral Council" means the Wirral Rural District Council;

"Revenues of the Council" includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

"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.

PART II.

TRANSFER OF UNDERTAKING.

Confirmation of scheduled agreement.

5.—(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

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the said parties in writing under their respective common seals.

(2) The sale of the undertaking of the company shall be carried into effect within three months after the passing of this Act by a deed which may be in the form set forth in the Second Schedule to this Act or to the like effect or in such other form as may be agreed between the company and the Council and on the execution of the deed by the company the undertaking of the company shall by virtue of the deed and of this Act be transferred to and become vested in the Council and such transfer and vesting are referred to in this Act as "the transfer."

Company's mortgage debts to continue charge on undertakings.

6. If the company so require the mortgage debts of the company outstanding at the appointed day and the interest accruing thereon after that day shall thereafter continue to be a charge on the undertaking of the company in the hands of the Council to the same extent and with the same incidents as if this Act had not been passed but with the substitution of the Council for the company in respect of such mortgage debts and in that case the purchase money of one hundred and eighty-seven thousand pounds to be paid by the Council to the company shall be reduced by the amount of such mortgage debts.

Actions &c. not to abate and penalties to be recoverable.

7.—(1) Subject as between the Council and the company to the provisions of the scheduled agreement and without prejudice to any remedy over by the Council against the company under that agreement no action suit prosecution or other proceeding whatsoever commenced either by or against the company in relation to any property right privilege debt liability or obligation transferred to the Council shall abate or be discontinued or prejudicially affected by reason of the transfer but the same shall continue and take effect either in favour of or against the Council in the same manner in all respects as the same would have continued and taken effect in relation to the company if the transfer had not been made and all penalties incurred by reason of any offence against the provisions of any enactments of the company previously to the appointed day may be sued for and all offences committed against such provisions previously to the appointed day may be prosecuted by the Council in such or the like manner to all intents and purposes

as such penalties might have been sued for or such offences prosecuted if the transfer had not taken place and all moneys payable to the company prior to the appointed day may be sued for and recovered by the Council in the same manner in all respects as the same might have been sued for and recovered by the company if this Act had not been passed.

(2) This section shall not apply to any proceedings relating to the amount due to the stockholders of the company in respect of their several holdings of stock in the company.

Contracts to be binding on Council.

8. Subject to the provisions of the scheduled agreement all agreements contracts deeds and other instruments affecting the company and in force at the appointed day shall after that day 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.

9. 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 and the like matter for or against the Council.

Company to wind up affairs.

10.—(1) From and after the day of transfer the company shall continue to exist only for the purpose of receiving and recovering the sums payable to the company under the scheduled agreement and distributing or otherwise applying the same and of winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company The directors of the company who are in office on the day of transfer and the survivors or survivor of them shall continue without re-election to hold the office of directors of the company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of the winding up the continuing directors shall from time to time choose a stockholder or stockholders of the company to fill the vacancy or vacancies so caused.

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(2) As soon as may be practicable after the day of transfer the directors of the company shall proceed to wind up the affairs of the company and shall distribute the net moneys of the company after defraying the expenses of winding up the company and any outgoings incidental thereto to and amongst the stockholders of the company in accordance with this Act and for that purpose the several persons whose names shall appear in the books of the company at the day of transfer to be the proprietors of stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be stockholders of the company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof.

(3) Where the directors of the company are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same the directors may pay the said money in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees and where the amount does not exceed five hundred pounds the directors may pay the same into the county court of Cheshire holden at Birkenhead and every such payment into court shall effectually discharge the company and the directors from all further liability with respect to such money Upon the provisions of the scheduled agreement and of this section being carried into effect the company shall ipso facto be dissolved.

Repeal of Company's Act.

11. As from the day of transfer the Act of 1923 shall be repealed except so far as may be necessary to give effect to the last preceding section of this Act.

PART III.

SUPPLY OF GAS.

General powers of gas supply.

12. The Council may subject to the provisions of this Act manufacture and supply gas for lighting heating motive power and other purposes within the gas limits.

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Powers as to maintenance of gasworks.

13.—(1) Subject to the provisions of this Act the Council may maintain alter improve enlarge extend and renew or discontinue the gasworks transferred to them upon the lands upon which the same are erected and may upon the lands described in the Fourth Schedule to this Act erect maintain alter improve and renew or discontinue gasworks with all necessary machinery and apparatus and do all such acts as may be proper for making and storing gas and for supplying gas within the gas limits and may also upon the said lands work up and convert the residual products arising directly or indirectly from the manufacture of gas by them.

(2) The Council may also—

(*a*) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Council are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Council in any year shall not exceed one-third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

(*b*) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

but the Council shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Council or purchased from other gas undertakings is merely subsidiary.

Power to lay pipes in private streets.

14. The Council may on the application of the owner or occupier of any premises within the gas limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 (Not to enter on private land without consent) of that Act were excepted from incorporation

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in this Act Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company.

Power to utilise pipes for ancillary purposes.

15. The Council may lay down and repair take up alter relay or renew mains pipes and culverts within the gas limits for the purpose of procuring conducting or disposing of any oil or other materials used by them in or resulting from the manufacture of gas or any residual products thereof or for any purpose connected with their gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof.

Power to purchase lands by agreement Gas not to be manufactured except on lands scheduled.

16. The Council may for the purposes of their gas undertaking purchase take on lease and hold (by agreement but not otherwise) in addition to the lands described in the Fourth Schedule to this Act any lands and hereditaments not exceeding in the whole ten acres which the Council may require for the purposes of their gasworks and gas undertaking but the Council shall not create or permit a nuisance on any such lands and no lands shall be used by the Council for the purpose of manufacturing gas or residual products except the lands described in the Fourth Schedule to this Act.

Limit of price.

17. The price to be charged by the Council for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed one shilling and three pence per therm.

Revision of price of gas.

18. If at any time after the passing of this Act the Council or the Wirral Council or twenty consumers in the district represent to the Board of Trade that the costs and charges of and incidental to the manufacture and supply of gas by the Council have substantially altered from circumstances beyond the control of or which could not reasonably have been avoided by the Council the Board of Trade may after such inquiry as they think fit by order vary the maximum price for the time being in force for the supply of gas by the Council either by way of increase or decrease and this Act shall have effect on

and after such date as may be prescribed in the order as if the maximum price for gas supplied by the Council were the price prescribed by the order. A.D. 1925.

Discounts.

19. The Council may if they think fit allow discounts or rebates to consumers of gas in consideration of prompt payment of gas charges not exceeding in any case ten per centum and in addition thereto or irrespective thereof they may if they think fit allow discounts or rebates to large consumers not exceeding in any case fifteen per centum Provided that all discounts or rebates shall be of equal amount under like circumstances to all consumers Provided also that notice of the effect of this enactment if exercised shall be endorsed on every demand note for gas charges.

Charge for gas supplied by means of pre-payment meters.

20.—(1) The Council may demand for any gas supplied through a prepayment meter a not greater charge than for gas supplied to private consumers within the gas limits through any other kind of meter or by any other method of supply.

(2) The charge for the hire of any prepayment meter and fittings to be used therewith shall be a sum of money calculated according to the number of therms supplied and the maximum charge shall be three pence per therm if a cooking stove is included and two decimal five pence per therm if a cooking stove is not included.

(3) The charge for the hire of any prepayment meter without fittings shall be a sum of money calculated according to the number of therms supplied (when the maximum rate of charge shall be one decimal five pence per therm) or at the rate of ten per centum per annum on the cost of the meter whichever shall be the higher.

(4) The said charges shall include the providing letting fixing repairing and maintenance of the meters and fittings or of the meters (as the case may be) and the cost of collection and other costs incurred by the Council in connection therewith.

(5) For the purpose of this section the expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

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Testing place.

21. For the purposes of the Gas Regulation Act 1920 the prescribed testing place shall be a testing place which shall be provided by the Council at their gasworks.

Measure of therms supplied.

22. The number of therms supplied to any consumer shall be ascertained by multiplying the number of cubic feet of gas registered by the consumer's meter by the number of British thermal units comprised in the declared calorific value and dividing the product by one hundred thousand.

Quality of gas.

23. Subject as hereinafter provided the gas supplied by the Council shall when tested in accordance with the provisions of the Gas Regulation Act 1920 be of a calorific value of not less than five hundred and twenty British thermal units and such value (unless and until altered in accordance with the provisions of the section of this Act of which the marginal note is "Variation of declared calorific value" and thereafter such altered value) shall for the purposes of the Gas Regulation Act 1920 be deemed to be and is in this Act referred to as "the declared calorific value."

Variation of declared calorific value.

24. If at any time the Council intend to alter the declared calorific value they shall give notice of their intention to supply as from a date to be therein specified and being not less than three months from the date of such notice gas of such calorific value as may be declared in the notice and the calorific value so declared shall as from the date so specified be the declared calorific value for the purposes of this Act The notice required by this section shall be published by advertisement in the London Gazette and a copy thereof shall be sent to the Board of Trade to every consumer and to the Cheshire County Council.

Consumers' burners.

25. If and so often as the Council shall alter the declared calorific value of the gas they shall at their own expense effect such alteration adjustment or replacement of the burners in consumers' appliances as may be necessary to secure that the gas can be burned with safety and efficiency except in the case of any consumer who objects to such alteration adjustment or replacement as aforesaid.

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Pressure of gas.

26.—(1) The minimum permissible pressure at which the gas may be supplied by the Council shall be such as in any main or in any pipe laid between the main and the meter having an internal diameter of two inches and upwards to balance a column of water not less than two inches in height.

(2) If the Council shall at any time declare a calorific value less than three hundred and fifty British thermal units the minimum permissible pressure at which the gas may be supplied shall be as follows :—

Where the declared calorific value is below three hundred and fifty British thermal units and not below three hundred British thermal units the minimum permissible pressure shall be two and a half inches; and

Where the declared calorific value is below three hundred British thermal units the minimum permissible pressure shall be such pressure (not being less than three inches) as shall be prescribed by the gas referees appointed under section 4 of the Gas Regulation Act 1920.

Application of Gas Regulation Act 1920.

27. The following sections or parts of sections of the Gas Regulation Act 1920 shall apply to the Council and the gas undertaking as if the provisions of this Act with respect to price quality and pressure of the gas supplied by the Council were an order made under section 1 of that Act in relation to the Council in respect of the gas undertaking namely :—

Subsection (7) of section 1 (Power to substitute new basis of charge);

Subsections (1) and (2) of section 2 (Composition and pressure of gas to be supplied);

Section 4 (Appointment of gas referees and examiners);

Section 5 (Power to prescribe tests);

Section 6 (Appeals to chief gas examiner);

Subsections (3) and (4) of section 7 (Remuneration and expenses of gas referees);

Section 8 (Penalties for failure to comply with prescription of gas referees);

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Section 9 (Forfeiture for deficient calorific value &c.);

Section 18 (Definitions);

Section 20 (Expenses of local authorities).

Power to vary price according to purpose for which gas supplied.

28.—(1) Notwithstanding anything contained in the Acts relating to the Council the price to be charged by them for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Council and the person taking such supply:

(2) Provided that the Council shall not under the powers of this section give any preferential price as between any consumers who shall take a supply of gas for the same purpose under like circumstances.

Relief from obligation to supply.

29. Unless at the date of the demand for any such new or increased supply of gas as is hereinafter referred to the capacity of the distribution works of the Council is in the opinion of an arbitrator appointed as hereinafter provided insufficient to meet (with a reasonable margin) the requirements (as existing immediately before that date) of the consumers in the portion of the gas limits for which such works have been provided (so far as such requirements could reasonably have been foreseen) the Council notwithstanding anything contained in any other enactment shall not be obliged to give for any purpose other than lighting or domestic use—

(*a*) a new supply of gas for the premises of any person demanding such supply at any time after the date of this Act; or

(*b*) an increased supply of gas (other than an increased supply necessitated by any reduction of the declared calorific value of the gas)

where the giving of such new or increased supply would render necessary the laying of a new main or the making (as an alternative to the laying of a new main) of any enlargement or alteration of or addition to the distribution works of the Council Provided that the foregoing provisions of this section shall not apply in any case in which the person demanding the new or increased

supply (in this section referred to as "the applicant") shall enter into a written contract with the Council—

(i) to receive and pay for a supply of gas of such minimum quantity and for such minimum period as the Council may reasonably require; or

(ii) to make such payment or payments to the Council (in addition to any payments to be made from time to time for gas supplied to the applicant) as the Council may reasonably require

(according as the Council may in their discretion determine) in consideration of or by way of contribution towards the expenses to be incurred by the Council in laying such new main or making such enlargement alteration or addition as aforesaid and shall give such security for the payment of all moneys which may become due under the contract as the Council may reasonably demand Provided also that if any question shall arise under the provisions of this section between the Council and the applicant as to the sufficiency of the distribution works of the Council or as to whether such new or increased supply would necessitate the laying of a new main or the making of any such enlargement alteration or addition as aforesaid or as to the reasonableness of the minimum quantity or period or of the payments (in addition to payments for gas supplied) required by the Council or as to the nature or amount of the security demanded by the Council such question shall be referred to and determined by an arbitrator to be appointed (failing agreement between the Council and the applicant) by the Board of Trade on the application of either party after notice in writing to the other of them and the decision of such arbitrator shall be final and binding Provided also that in determining any such question as aforesaid the arbitrator shall have regard to the following among other considerations (that is to say):—

(*a*) the total annual quantity of gas required by the applicant the maximum quantity required per hour and the hours of the day during which the Council may be called upon to supply gas to the applicant;

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(*b*) the capital expenditure which the Council would have to incur in the laying of a new main or the making of any enlargement or alteration of or addition to their distribution works as aforesaid in connection with the giving of such new or increased supply; and

(*c*) how far such capital expenditure may become unproductive to the Council in the event of the cesser of the new or increased supply:

Subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any arbitration under this section.

Council may refuse to supply gas or electrical energy in certain cases.

30. The Council may refuse to supply gas or electrical energy to any person whose payments for the supply of either gas or electrical energy or meter rent in respect of the supply of gas or electrical energy are for the time being in arrear whether any such payments be due to the Council in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Supply of gas where consumer has a separate supply.

31. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Council a supply of gas for any premises having a separate supply of gas or a supply (in use or ready for use for the purposes for which the stand-by supply of gas is required) of electricity steam or other form of energy unless he has agreed to pay to the Council such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing such stand-by supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

As to construction and placing of pipes &c.

32. In order to enable the Council to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Council may specify the size and material of the pipes with the fittings thereof (so far

as such pipes or fittings are intended to be covered over) which are to be laid by the consumer on his premises between the main and the consumer's meter either in the first instance or on the occasion of any renewal Provided that as respects any pipes to be laid on the premises of a railway company between the Council's mains and the meter the Council shall not specify any size less than an internal diameter of two inches:

(2) The Council may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Council:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connection with a new or substituted pipe laid by the consumer between the main and the consumer's meter shall be placed as near as reasonably practicable to the Council's main but within the outside wall of the building Provided that in the case of any building which is the property of a railway company and used for railway purposes and in connection with which there is provided outside the building accommodation for the meter or a separate meter house either of which shall be reasonably approved by the Council such meter may be placed in such accommodation or meter house instead of within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Council and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Council Any officer of the Council duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with

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their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Council's specification or if the meter is not placed as required by this section the Council may refuse to supply gas to the premises until the provisions of this section have been complied with :

(6) Any person to whom the Council refuse a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Council's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid :

(7) In and for the purposes of this section the expression "fittings" includes only the joint angles cocks and connections used in placing or laying pipes.

Power to supply gas fittings &c.

33.—(1) The Council may purchase sell let for hire fix repair and remove but shall not manufacture engines stoves ranges pipes and other gas fittings for lighting motive heating ventilating cooking or any other purposes and may provide all materials and do all work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(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 process of any court or proceedings in bankruptcy against the person in whose possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Council as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire 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 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 moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(*b*) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Council to the consumer;

(*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 gas undertaking for that year.

Council to pay interest on money deposited as security.

34. If any person is required by the Council to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is given by way of deposit the Council shall pay interest at the rate of not less than four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Gas consumers to give notice to Council before removing.

35.—(1) At least twenty-four hours' notice shall be given to the Council by every gas consumer either personally at the office of the Council or in writing before he shall quit any premises supplied with gas by meter by the Council and in default of such notice the consumer so quitting shall be liable to pay to the Council the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the

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meter on such premises or the date from which any subsequent occupier of such premises shall require the Council to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Council.

Notice of discontinuance.

36. A notice to the Council from a consumer for the discontinuance of a supply of gas 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.

Period of error in defective meters.

37.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Gas Regulation Act 1920 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Council.

Occupier to pay expenses of re-connecting disconnected supply.

38. In any case in which in consequence of any default on the part of the occupier of any premises the Council shall have cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Council the expenses of re-connecting the supply and the Council shall not be under any obligation to supply gas to such occupier until he shall have made good the default and paid such expenses.

Anti-fluctuators to be used with gas engines.

39.—(1) The Council may by notice in writing require a consumer of gas supplied by the Council and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises upon which the engine is in use or to keep any anti-fluctuator fixed and used by the consumer in proper order and repair

at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Council may cease to supply him with gas.

(3) The Council may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Council and for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order and repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Council if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means an apparatus for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Provision of valve where high-pressure air is used.

40.—(1) Every consumer of gas supplied by the Council who uses air at high pressure for or in connection with the consumption of such gas (in this section referred to as "high-pressure air") shall if required to do so by the Council provide and fix in a suitable position and use an efficient valve or other appliance for preventing the admission of such air into the service pipe or any main through which such gas is supplied and shall at all times at his own expense keep in proper order and repair any such valve or other appliance as aforesaid which shall have been provided and fixed whether upon such requirement or otherwise.

(2) It shall not be lawful for any person at any time after the passing of this Act to commence to use high-pressure air unless and until he shall have given to the Council not less than fourteen days' previous notice in writing of his intention to do so.

(3) Every person who at the date of the receipt by him of any such demand note as is referred to in paragraph (*a*) of subsection (5) of this section is using high-

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pressure air shall within one month after that date give to the Council notice in writing of such use and if within one month after the giving of such notice the Council require the consumer giving the same to provide and fix such a valve or other appliance as aforesaid it shall not be lawful for him after the expiration of fourteen days from the receipt of the requirement to continue to use high-pressure air unless before such expiration he shall have complied with the requirement.

(4) If any consumer shall fail to comply with any requirement of the Council or any obligation under this section the Council may cease to supply gas to him and shall not be under any obligation to resume such supply until the default shall have been remedied to their satisfaction.

(5) The Council shall give notice of the effect of the foregoing provisions of this section :—

(*a*) (in the case of all persons who at the date of the passing of this Act are consumers of gas supplied by the Council) on the demand notes for gas charges payable to the Council issued next after that date; and

(*b*) (in the case of any person becoming after the passing of this Act a consumer of gas supplied by the Council) on the first of such demand notes delivered to such person after he shall have become a consumer.

(6) The Council shall have access at all reasonable times to all premises supplied by them with gas in or upon which high-pressure air is used or the Council have reason to believe that high-pressure air is or may at the time be used in order to ascertain whether any such valve or appliance as aforesaid is efficient or is in proper order and repair or whether such a valve or appliance is provided and fixed where necessary.

(7) The Council shall be at liberty to take off remove test inspect and replace any such valve or other appliance as aforesaid such taking off removing testing inspecting and replacing to be done at the expense of the Council if the valve or other appliance be found in proper order but otherwise at the expense of the consumer.

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As to mode of cutting off supplies.

41.—(1) In any case in which the Council are by virtue of any enactment relating to the gas undertaking authorised to cut off and discontinue the supply of gas to any premises in consequence of any default on the part of the occupier of the premises it shall be lawful for the Council without prejudice to any other remedy which may be lawfully available to them to disconnect at the meter the service pipe (whether belonging to the consumer or to the Council) and any person who shall re-connect such service pipe with the meter without the consent of the Council shall be deemed to commit an offence within the meaning of section 18 (Penalty for fraudulently using the gas of the undertakers) of the Gasworks Clauses Act 1847:

Provided that if and so soon as the matter complained of shall have been remedied nothing in this section shall prejudice or interfere with any rights vested in any person by virtue of section 11 (Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act) of the Gasworks Clauses Act 1871.

(2) For the purposes of this section the Council subject to the provisions of section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871 shall have and may exercise the like powers of entry as are exerciseable under that section.

Power to require users of internal combustion engines to provide silencers.

42.—(1) Every consumer of gas whether supplied by the Council or from any other source and every other person who uses a stationary or fixed internal combustion engine shall provide and use effective means to silence the exhaust gases of such engine and shall at all times at his own expense keep the same in proper repair and in default of his so providing using or keeping the same in proper repair the Council may if gas is supplied by them cease to supply gas to such consumer The Council shall have access to and be at liberty to inspect and test at all reasonable times any means of silencing so provided such inspecting and testing to be done at the expense of the Council if the means of silencing be found in proper order but otherwise at the expense of the consumer or other person aforesaid.

(2) Any person neglecting to carry out the provisions of this section shall be liable to a penalty not exceeding

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five pounds and to a daily penalty not exceeding twenty shillings.

Power to take licences for use of patents.

43. The Council may subject to the provisions of this Act but only for the purposes of the gas undertaking and not so as to acquire any exclusive right therein contract for take and use any licence or authority granting any right or privilege of working using or vending any invention subject to letters patent in relation to the manufacture supply or distribution of gas or the conversion manufacture or utilisation of residual products obtainable in or arising from such manufacture or from the materials used therein.

Power to enter premises and remove fittings.

44. The power to enter premises and to remove pipes meters fittings or apparatus conferred on the Council by section 22 (Power to remove meter and fittings) of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Council shall not require to take a supply of gas from the Council or to hire from the Council all or any of the pipes meters fittings or apparatus belonging to the Council.

Council may contract for supply in bulk.

45. The Council may contract with any local authority company or persons beyond the gas limits for the supply by the Council to them or for the supply to the Council by them of gas in bulk upon such terms and conditions as may be agreed upon but nothing in this section shall authorise the Council to lay any mains or interfere with any street beyond the gas limits Provided that the Council shall not supply gas under the provisions of this section unless they are satisfying and will continue to satisfy the requirements of consumers of gas for all purposes within the gas limits.

Supply of power gas.

46.—(1) The Council may make produce or purchase and may by agreement supply to any person within the gas limits at such price as may be agreed between the Council and such person gas (in this Act called "power gas") which shall not be required to comply with the provisions of the Acts relating to the Council as to the calorific power purity or pressure of the gas supplied to them and notwithstanding anything contained in any such Act the provisions of sections 11 24 to 27 36 and 37 of the Gasworks Clauses Act 1871 shall not apply to the

Council in respect of power gas nor shall the provisions of the said Acts with respect to calorific power purity or pressure as aforesaid and the testing thereof or with respect to the price of gas be applicable (*a*) in respect of power gas supplied by the Council or (*b*) to the Council in respect of power gas.

(2) Power gas may subject to the provisions of this Part of this Act be supplied for utilisation for any purpose other than lighting.

(3) Nothing in this section shall deprive any person within the gas limits of any right which he may possess under the Acts relating to the Council of requiring a supply of gas of the calorific power purity and pressure prescribed by those Acts or any enactment incorporated therewith.

Mains for power gas.

47. For the purposes of the last preceding section the Council may lay down repair take up alter relay and renew mains pipes and apparatus within the gas limits and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid shall so far as applicable for the purposes of this section extend and apply with the necessary alterations to and for such purposes.

Conditions as to quality of power gas.

48.—(1) It shall not be lawful for the Council at any time to supply power gas which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Council shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of this section within their district so far as respects factories workshops and mines inspected by them respectively and such inspectors shall for this purpose have all powers and authorities conferred by section 119 (Powers of inspectors) of the Factory and Workshop Act 1901 by section 98 (Powers of inspectors) of the Coal Mines Act 1911 and by section 17 (Powers of inspectors) of the Metalliferous Mines Regulation Act 1872 respectively.

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(4) Provided that no proceedings shall be taken against the Council by any such inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Council of such contravention and of the nature of the contravention as soon as possible after he discovers the same.

Regulation as to power gas.

49.—(1) The Secretary of State for the Home Department may from time to time either before or after the Council shall have commenced to give a supply of power gas to consumers (after holding such inquiries as he may think fit and considering any representations made to him by the Council) make or impose in the interests of the safety or health of persons regulations terms and conditions with respect to such supply.

(2) The Council shall not under the powers of this Act supply or continue to supply power gas otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force.

(3) Provided that if in the opinion of the Council compliance with any such regulations terms and conditions would render the supply or continued supply of power gas by them unremunerative or impracticable it shall be lawful for the Council upon giving to all consumers of power gas supplied by them not less than three months' notice of their intention so to do to discontinue such supply and in that event the Council shall not be under any obligation to supply or to continue to supply power gas to any person.

(4) For every contravention of this section the Council shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) For the purpose of enforcing this section or for the purpose of any inquiry by the said Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act the marginal note whereof is "Conditions as to quality of power gas."

Provisions as to general Acts relating to power gas.

50. Nothing in this Act contained shall exempt the Council from the provisions of any general Act relating to the manufacture or supply of power gas passed before or after the passing of this Act or from any regulations which may be made under any such general Act.

Wirral Council may appoint representatives on gas committee of Council.

51. The gas committee of the Council shall consist of twelve members of whom ten shall be appointed by the Council and two shall be appointed by the Wirral Council who are hereby authorised to appoint two members of the said committee.

PART IV.

SUPPLY OF WATER.

Power to maintain existing waterworks.

52.—(1) Subject to the provisions of this Act the Council may maintain and repair and from time to time alter improve enlarge deepen extend and renew or discontinue the waterworks vested in or belonging to them by virtue of this Act and described in the Sixth Schedule thereto together with all reservoirs mains pipes and other waterworks transferred to the Council by virtue of this Act or for the time being belonging to them and may use and employ the waterworks described in that schedule for the purpose of taking intercepting and pumping water and may take intercept and pump any waters which can be taken intercepted or pumped by such waterworks and may from time to time extend the pipes vested in them by this Act and may use those works and pipes for the supply of and may sell and supply water within the water limits or under the provisions of this Act and the Council shall in respect of those works and pipes and the maintenance and future use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated wholly or in part with this Act so far as the same relate to the water undertaking and the same shall be deemed to be and shall be and form part of the water undertaking.

(2) In addition to the foregoing works the Council may upon the lands described in the Sixth Schedule to this Act make and maintain all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the works described in that schedule or any of them but nothing in this subsection shall exonerate the Council

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from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limiting powers of Council to abstract water.

53. The Council shall not construct any works for taking or intercepting water for supply 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.

Power to purchase additional lands by agreement.

54.—(1) 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 their 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 and the Council may on all or any of such additional lands execute for the purposes of or in connection with their waterworks 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 (Undertakers subject to provisions of this and the special Act may execute the works herein named) of the Waterworks Clauses Act 1847.

(2) 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 their water undertaking.

Further powers in relation to water mains.

55. The Council shall have and may exercise within the water limits the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district of the Council.

Power to hold lands and exercise powers for protection of waters.

56.—(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 easements or rights and may hold such lands and any other lands which the Council

may have acquired for the purposes of their 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 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 catchpits 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 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 land with reference to the execution by the Council or by such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Council are for the time being authorised to take.

Reservation of water rights &c.

57. The Council on selling any lands held by them for the purposes of their water undertaking and not required for those purposes may reserve to themselves all or any part of the 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 special conditions restrictions and 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.

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Temporary discharge of water into streams.

58.—(1) For the purpose of constructing enlarging extending altering repairing cleansing or examining any of the waterworks of the Council the Council may cause the water in any such works 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 power 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 power 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 affect the railways or works of any railway company.

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

59. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall with the necessary modifications apply within the water limits 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 water limits for the purposes of their water undertaking.

For protection of Postmaster-General.

60. 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.

Power to lay pipes in private streets.

61. The Council may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply as if

section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company.

Meters in streets to measure water or detect waste.

62.—(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 measuring the quantity of water supplied or 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 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 without the previous consent of a railway company exercise the powers of this section in respect to any street road land footway court or passage which is the property of or maintained by such railway company but such consent shall not be unreasonably withheld.

Pressure.

63. The water to be supplied by the Council need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir from which the supply shall be taken.

Rates for supply of water for domestic purposes.

64.—(1) In respect of every dwelling-house or part of a dwelling-house supplied by the Council with water for domestic purposes there shall be paid to the Council in respect of such supply a rate per annum not exceeding nine per centum of the gross estimated rental of the premises so supplied Provided that the Council shall not be required to supply any premises with water for a less sum than three shillings and ten pence per quarter Provided also that where the sum payable in respect of

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any house or part of a house shall include a fraction of one penny that fraction shall be deemed to be a penny.

(2) The gross estimated rental of any such premises as aforesaid shall be ascertained by the valuation list in force for the last rate made for the relief of the poor.

(3) Provided that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(4) In addition to the foregoing charges the Council may charge in respect of every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Revision of water rates and charges.

65. The Minister of Health may at any time after the thirty-first day of December nineteen hundred and twenty-eight on the application of the Council or of any local authority within the water limits of the Council review and if necessary revise by way either of increase or decrease the maximum rates and charges authorised by the several sections of this Act relating to the rates and charges for the supply of water so that such revised rates and charges shall be sufficient so far as can be estimated to enable the waterworks undertaking of the Council to be carried on without loss Provided that at any time after the expiration of three years from such review or any review under this proviso of the said rates and charges the said Minister may on the like application similarly review and if necessary revise the said rates and charges for the time being in force.

Amendment of section 35 of Waterworks Clauses Act 1847.

66. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Council be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense,

Guarantees by Wirral Council.

67. The Wirral Council in respect of the part of their district within the water limits may give and enter into any guarantee or contract for securing payment to the Council of such periodical or other sum or sums of money at such time or times in such manner and subject to such stipulations as may be agreed by and between such council and the Council for the purpose of or with respect to the providing or laying down by the Council of any pipe or works for the supply of water within any part of such district which is within the water limits.

Dates for payment of water rates.

68. Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) 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 so demanded for any longer period in advance than three months.

Rates payable by owners of small houses.

69. 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.

Supply of water by hose pipe to stables &c.

70. When water of the Council supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Council may if a hose pipe or other similar apparatus is used charge such 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 as the Council may prescribe) and any sum charged under the provisions of this section shall be paid quarterly in

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advance and be recoverable in the same manner as water rates.

Special terms for supplies to caravans &c.

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

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the justices shall be final and binding on all parties.

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

72.—(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 public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn or (*c*) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (*d*) any school not maintained by the local education authority.

(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 calculated on the gross estimated rental thereof.

(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 gross estimated rental. A.D. 1925.

Supply by meter.

73. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates:

Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

Price of supply by meter.

74. The price to be charged by the Council for a supply of water by meter shall not exceed—

(*a*) For water supplied to the Wirral Rural District Council for sanitary purposes or street watering within the water limits eight pence per one thousand gallons;

(*b*) For water supplied to any premises of either of the classes mentioned at (*c*) and (*d*) in subsection (1) of the section of this Act of which the marginal note is "Supply of water to houses partly used for trade &c." one shilling and three pence per one thousand gallons; and

(*c*) For water supplied by meter for any other purposes two shillings per one thousand gallons.

Byelaws for preventing waste &c. of water.

75.—(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 Act 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.

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(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 and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to all byelaws so made.

(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 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 from the person on whose credit the water is supplied as the water rates in respect of the premises are recoverable.

Power to person liable to maintain pipes &c. to open ground.

76.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have a like power to open the ground to that 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 other pipe or apparatus and for that purpose to open or break up any street in the water limits 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.

Power to Council to repair communication pipes.

77.—(1) If 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 in executing such repairs 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.

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

Council not bound to supply several houses by one pipe.

78. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Maintenance of common pipe.

79. 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.

Power to sell meters.

80. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to Council of connecting or disconnecting meters.

81. 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

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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.

82. 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 primâ facie evidence.

83.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered 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 the decision of such court shall be final and binding on all parties.

Injuring meters &c.

84.—(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 for the protection of the Council) 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 primâ 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.

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

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or made thereon sufficiently indicating the Council as the actual owners thereof.

(3) Subject to the proviso to 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 repairing fixing or removal thereof such sum shall be clearly stated in such demand note;

(*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 supplying water in bulk outside water limits.

86. The Council may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the water limits 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—

(1) Such supply shall not be given except with the consent of any local authority 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 water limits:

(2) Nothing in this section shall authorise the Council to lay any mains or other pipes or to interfere with any street beyond the water limits:

(3) The Council shall not supply water under the provisions of this section unless they are satisfying and will continue to satisfy the requirements within the water limits of any railway company for the time being supplied with water by the Council.

Contracts for supply of water in bulk to Council.

87. 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.

Penalty for closing valves and apparatus.

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

Penalty for interfering with sluices &c.

89. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of

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the supply of water by the Council who shall without the authority of the Council turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Council and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Purchase of part of water undertaking by Wirral Council or a water board.

90.—(1) If the Wirral Council or a water board on which the Wirral Council is a constituent authority (in this section called "the board") within one year after the passing of this Act give notice to the Council of their desire to purchase the part of the water undertaking of the Council situate in the Wirral Rural District (except the Newton Estate as defined in the Sixth Schedule to this Act and the ten-inch rising main from the Newton pumping station to the district) and shall promote a Bill in either of the two sessions of Parliament next following the passing of this Act the Council shall not oppose such Bill.

(2) The Wirral Council or the Board as the case may be shall as soon as reasonably practicable after the Royal Assent shall have been given to such Bill take steps to carry out the purchase of the said part of the said undertaking and shall pay to the Council the sum of twenty-five thousand pounds as the purchase price thereof The said purchase shall be completed on or before the thirty-first day of March next following the date of such Royal Assent.

(3) Notwithstanding the purchase of the said part of the said undertaking the Council shall have in the portion of the Wirral Rural District which is described in the Fifth Schedule to this Act all the powers conferred upon them by this Act and the Acts incorporated therewith with regard to the laying enlarging maintaining and renewing of water mains pipes and apparatus in the water limits (*a*) for the purpose of connecting the water undertaking with the water mains of the lord mayor aldermen and citizens of the city of Liverpool the mayor aldermen and burgesses of the borough of Birkenhead and the board or any of them for the purpose of obtaining supplies of water in bulk and (*b*) for the purpose of laying such additional mains and apparatus

as may be necessary from time to time between the Newton Estate and the district. A.D. 1925.

Wirral Council may appoint representatives on water committee of Council.

91. Until the purchase of the part of the water undertaking by the Wirral Council or by a water board provided for by the section of this Act of which the marginal note is "Purchase of part of water undertaking by Wirral Council or a water board" the water committee of the Council shall consist of twelve members of whom ten shall be appointed by the Council and two shall be appointed by the Wirral Council who are hereby authorised to appoint two members of the said committee until the aforesaid purchase is completed Upon the said purchase being completed the powers of the Wirral Council to appoint members of the said committee shall cease.

PART V.

FINANCIAL AND MISCELLANEOUS.

Power to borrow.

92.—(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 revenues of the Council 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 third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period.
	£	
(*a*) For the purchase money payable by the Council under the scheduled agreement.	187,000	Fifty years from the date or dates of borrowing.
(*b*) For the payment of any further sums payable by the Council under the scheduled agreement and for defraying the costs and expenses incident to the purchase and transfer of the undertaking of the company to the Council (other than the Council's costs of this Act).	The sum requisite.	Fifty years from the date or dates of borrowing.

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1	2	3
Purpose.	Amount.	Period.
	£	
(*c*) For the provision and laying of cast iron mains for the gas undertaking.	15,000	Forty years from the date or dates of borrowing.
(*d*) For the provision and laying of cast iron mains for the water undertaking.	22,500	Forty years from the date or dates of borrowing.
(*e*) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2)—(*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 gas undertaking or the water undertaking including the provision of working capital.

(*b*) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge such revenue fund or rate as may be prescribed by the Minister of Health.

(*c*) Any moneys borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the revenue funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Council by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

Application of money borrowed.

93. 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 (except in the case of money borrowed for current expenses) to which capital is properly applicable.

Application of financial provisions

94. Subject to the provisions of this Act the following sections of the Act of 1897 shall apply to

the borrowing and repayment of money under this Act as if the same were re-enacted in this Act (namely) :— of Act of 1897.

Section 40 (Mode of raising money);

Section 41 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 42 (Provisions of Public Health Act as to mortgages to apply);

Section 44 (Mode of payment off of money borrowed);

Section 45 (Sinking fund) Provided that the said section shall be read and have effect as if the words "three "pounds ten shillings per centum "per annum or such other rate as "the Minister of Health may from "time to time approve" were inserted in subsection (1) (*b*) of that section instead of the words "three per centum per annum";

Section 46 (Protection of lender from inquiry);

Section 47 (Council not to regard trusts);

Section 48 (Appointment of receiver).

Receipt in case of persons not sui juris.

95. 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 for purchase money &c.

96. The receipt in writing of three 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 misapplication or non-application thereof and if from any cause the Council are unable to obtain any such receipt from the directors of the company 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 three directors of the company.

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Interest on mortgages held jointly.

97. 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 or the clerk of the Council.

Power to re-borrow.

98.—(1) The Council shall have power—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

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

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan 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.

Sinking fund for debentures of company.

99.—(1) The Council shall make provision for the extinction of the mortgage debts of the company by means of a sinking fund so as to purchase and extinguish or to be in a position to purchase and extinguish the said mortgage debts within a period of fifty years from the day of transfer and if at the end of that period the said mortgage debts are not wholly extinguished then the Council shall so long as they are liable to pay interest thereon apply in or towards payment thereof the annual income arising from the sinking fund provided under this section.

(2) The foregoing provisions of this Act with reference to sinking funds shall extend and apply with any necessary modifications to the sinking fund to be provided under this section and for the purposes thereof the prescribed period shall be the period of fifty years from the day of transfer.

(3) The Council may at any time apply the whole or any part of the sinking fund to be provided under this section in or towards paying off the mortgage debts of the company Provided that if such fund be 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.

(4) (*a*) At any time before the expiration of the prescribed period the Council may borrow at interest such money as they may require for the payment off of the mortgage debts of the company or any part thereof.

(*b*) The provisions of this Act with reference to the borrowing of money and the re-borrowing and repayment thereof shall extend and apply to all money borrowed under this subsection and for the purposes of those provisions the prescribed period shall be the period of fifty years from the day of transfer.

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

100.—(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 any statutory borrowing power.

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(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 any enactment relating to the statutory borrowing power 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.

(4) Any provision of any enactment now in force in the district requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Power to use one form of mortgage for all purposes.

101.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of

payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Seventh Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(6) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Seventh Schedule to this Act or to the like effect.

(7) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such

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entry is made the Council shall not be in any manner responsible to the transferee.

(8) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(9) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to use sinking fund instead of borrowing.

102.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(*a*) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power

proposed to be exercised by the user of money from such sinking fund;

(*b*) Credit such sinking fund with the repayment of an amount of the principal money 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 statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory 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 any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as the Minister shall require.

Use of moneys forming part of sinking and other funds.

103. The Council may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund reserve fund or insurance fund of the Council (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

(*a*) The moneys so used shall be repaid to the lending fund by equal yearly or half-yearly instalments of principal or of principal and interest combined within the period and out of the fund rate or revenue within and out of which a loan raised under the statutory borrowing power would be repayable:

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(*b*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund Such interest shall be calculated at a rate per centum per annum to be determined by the Council and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power :

(*c*) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment relating to the re-borrowing of sums raised under the statutory borrowing power shall apply thereto.

Expenses of executing Act.

104. All expenses incurred by the Council in carrying into execution the provisions of this Act and not otherwise expressly provided for shall be defrayed as expenses under the Public Health Act 1875 Provided that when any expenditure is incurred or any money is received for purposes common to two or more accounts the Council may apportion the same between those accounts in such manner as they may deem equitable.

Investment of and payments into sinking fund.

105. When under the provisions of this Act or of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund or loans fund the following provisions shall have effect with respect to the appropriate yearly sums and accumulations thereof required to be set apart for or paid into such sinking fund or loans fund for the purpose of providing for the repayment of moneys borrowed by the Council (that is to say) :—

(1) The Council may (in addition to any other powers for the time being vested in them) invest the said yearly sums and accumulations in statutory securities :

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(2) The accumulations of the said yearly sums shall be paid and provided out of the district fund and general district rate and any interest dividends and annual proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such yearly sums and accumulations thereof as may have been provided prior to the passing of this Act) shall be paid into the district fund.

Water gas and electricity revenue and expenses.

106. As from the first day of April nineteen hundred and twenty-five all money received by the Council on account of the revenue of their (*a*) water undertaking (*b*) gas undertaking and (*c*) electricity undertaking (including the interest on any reserve fund by this Act authorised in connection with any of those undertakings 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 each of those undertakings or otherwise shall be paid out of that fund.

Accounts of water gas and electricity under-takings.

107.—(1) As from the first day of April nineteen hundred and twenty-five the Council shall keep their accounts in respect of their (*a*) water undertaking (*b*) gas undertaking and (*c*) electricity undertaking so as to show under a separate heading or division on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as to show the amounts expended or set aside in respect of each of the following purposes (that is to say):—

(*a*) The payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Council consequent upon any proceedings by or against the Council their officers or servants in relation to the undertaking:

(*b*) The payment of the interest on money borrowed and applied by the Council for the purposes of the undertaking:

(*c*) The provision of the requisite appropriations instalments or sinking fund payments in respect

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of money borrowed and applied for the purposes of the undertaking:

(*d*) The provision of a reserve fund which the Council are hereby authorised to form and maintain in respect of the undertaking by setting aside such an amount (not exceeding in any one financial year a sum of money equivalent to one-half per centum upon the total capital expenditure by the Council upon the undertaking as at the termination of the immediately preceding financial year) 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*) in the case of the water undertaking a sum equivalent to one-tenth of the aggregate capital expenditure for the time being by the Council upon the undertaking (*b*) in the case of the gas undertaking a sum equivalent to one-tenth of the aggregate capital expenditure for the time being by the Council upon the undertaking and (*c*) in the case of the electricity undertaking a sum equivalent to one-fifth of the aggregate capital expenditure for the time being of the Council upon the undertaking.

(2) Any reserve fund formed for the purposes of the undertaking and in existence at the thirty-first day of March nineteen hundred and twenty-five shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works comprised in the undertaking or otherwise for the benefit of the 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:

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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.

(4) Whenever the money received by the Council from any of the said undertakings 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 gas or electricity as the case may be 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.

Water rent and gas accounts may be collected with general district rate.

108.—(1) Any water rent or charge or gas account or electricity account payable to the Council may be collected together with the general district rate and the same books may be used for the said rents charges accounts and rates.

(2) The rate demand note and any other necessary documents to be used for the purposes of or in connection with the rate water rent or charge shall be in such form as the Minister of Health may from time to time prescribe.

Persons under disability may grant easements &c.

109. 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

A.D. 1925. apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

110. 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 and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works 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 effecting any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

111. The Council shall apply any capital moneys received by them on the re-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 except to such extent and upon such terms as may be approved by the Minister of Health.

Power to lay mains in streets outside for purposes of supply within gas and water limits of supply.

112. The Council may in any streets or roads in the county of Chester outside the gas limits or the water limits which the Council shall require to break up for the purpose of laying pipes for supplying gas or water within such limits have and be entitled to exercise all the rights powers and authorities conferred by the provisions of the Gasworks Clauses Act 1847 and the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying gas or water pipes as the case may be and the said provisions shall apply to so much of the said streets or roads as aforesaid as if the same were within the gas or water limits as the case may be but the Council shall not supply gas or water outside the gas limits and water limits respectively Provided that the powers of this

section shall not be exercised within any part of the limits for the supply of water or gas of the mayor aldermen and burgesses of the borough of Birkenhead without their consent. A.D. 1925.

Dwelling-houses for employees and other buildings.

113. The Council may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the gas undertaking and water undertaking and offices showrooms and other buildings for the purposes of those undertakings or either of them and may exhibit specimen installations and give demonstrations of the uses to which gas can be put and may appoint and pay persons for the purposes aforesaid and the Council 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.

For protection of Cheshire County Council and Wirral Council.

114. Notwithstanding anything in this Act the following provisions shall have effect for the protection of the Cheshire County Council and the Wirral Council (each of whom is in this section referred to as "the road authority") unless otherwise agreed in writing between the Council and the road authority namely :—

(1) The provisions of section 8 of the Gasworks Clauses Act 1847 and of section 30 of the Waterworks Clauses Act 1847 shall for the purposes of this Act have effect as if the word "fourteen" were substituted for the word "three" in those sections :

(2) The plan required by sections 9 and 31 respectively of the said Acts of 1847 shall be accompanied by a description of the proposed works and shall be delivered to the road authority by the Council not less than fourteen days before the Council commence to break up any road of the road authority :

(3) Where any work is to be laid under the powers of this Act in any road vested in the road authority the work shall wherever reasonably practicable be laid and subsequently maintained at the side of the road and so that the upper surface of the work is not less in the case of any main road than three feet and in the case of any other road than two feet six inches below the surface of the road except in special

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cases where the surveyor of the road authority (in this section referred to as "the surveyor") consents to a less space intervening between the surface of the road and the upper surface of the work and the trench shall be filled in and the surface of the road made good and level with the adjoining surface of the road in accordance with the reasonable requirements of the surveyor The Council shall also be liable to maintain and repair at their own expense and to the reasonable satisfaction of the surveyor the roadway over the trench for a period of twelve months from the date of the surface being made good as aforesaid or in lieu thereof and at the option of the road authority repay to the road authority all reasonable expenses of and incident to the maintenance and repair thereof for the like period:

(4) If within a period of twelve months after any work has been laid or relaid by the Council in any such road and the Council shall themselves have reinstated the road any sinking or subsidence of the surface of the road due thereto shall occur the Council shall at their own expense make up the surface of the road to the satisfaction of the surveyor and if they fail to do so within seven days after being so required by the surveyor he may on giving not less than twenty-four hours' notice to the Council cause the work to be done and all expenses reasonably incurred in so doing shall be repaid by the Council to the road authority:

(5) All works to be executed under the powers of this Act and any work of maintenance alteration or renewal of any such work or any existing work of the Council shall be so executed as not to stop or unreasonably impede or interfere with the traffic over or along any such road and no road shall be broken up for more than two hundred yards in any single length at any one time or so that a less distance than fifty yards shall be left between any two consecutive openings:

(6) No work shall be constructed or laid by the Council so as to interfere with the structure or foundations of any bridge or any culvert vested in or repairable by the road authority or any arch connected with any such bridge or culvert except with the consent of the road authority and in a manner approved by them but such consent and approval shall not be unreasonably withheld :

(7) Nothing in this Act contained shall interfere with the right of the road authority to alter the level of deviate or improve any road or to remove alter rebuild widen or repair any bridge or culvert vested in or repairable by them and in the event of any road bridge or culvert of the road authority in along over or near or attached to which any work of the Council shall have been laid or carried being altered deviated improved removed rebuilt widened or repaired as aforesaid the Council shall with all reasonable despatch on receiving notice in writing under the hand of the clerk or surveyor to the road authority so to do alter the position of any such work in the manner and to the extent reasonably prescribed by such notice or as in case of difference shall be determined in the manner hereinafter provided Provided that during the alteration deviation improvement removal rebuilding widening or reparation of any such road bridge or culvert as aforesaid the road authority shall afford all reasonable facilities to enable the Council temporarily to carry their work by the side of the road or across any stream or brook so as not to interrupt the continuous conveyance and supply of gas or water or to diminish the pressure of such supply through such work and that in the case of the alteration deviation or improvement of any such road the road authority shall repay to the Council any expense reasonably incurred by them in complying with any requirement of the road authority or in temporarily carrying their work by the side of such road :

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(8) The road authority shall not (except in case of negligence) be liable to the Council for any damage done to any work of the Council not being an existing work or renewal of an existing work and laid under any such road by the reasonable use of a road roller or other engine or road plant not exceeding fifteen tons in weight and the Council shall indemnify the road authority from claims for damage which may be made against the road authority by reason of any sinking or subsidence of the road caused by the construction or failure of any such work as aforesaid or any act or default of the Council:

(9) The Council shall indemnify the road authority against any claim for damage that may be made against the road authority and against any injury loss cost or expense which may be caused to or incurred by the road authority by reason or in consequence of the bursting leakage or failure of any work of the Council:

(10) If any difference shall arise between the Council and the road authority under this section the same shall be determined by an arbitrator to be agreed on between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For further protection of Wirral Council.

115.—(1) Before the Council break up under the powers of this Act any street or road in the Wirral Rural District not repairable by the inhabitants at large the Council shall (except in cases of emergency) give three clear days' notice to the Wirral Council of their intention so to do and the Council shall in carrying out any works in such street or road and in reinstating the same conform to all such reasonable requirements made by the Wirral Council as shall not be inconsistent with any requirements of the owner of such street or road.

(2) Any difference arising between the Council and the Wirral Council or between the last-named

council and the owner or occupier of the street or road shall be referred to and determined by a court of summary jurisdiction.

For protection of railway companies.

116. The following provisions for the protection of the London Midland and Scottish Railway Company and the Great Western Railway Company (hereinafter respectively 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 work upon across over under or in any way affecting any railway lands or property now or hereafter belonging to or used or occupied by the railway company or any bridge approach viaduct station or other work or any level crossing over any railway of the railway company the same shall be done under the superintendence (if given) and to the reasonable satisfaction of the principal engineer of the railway company and only according to such plans to be submitted to and in such manner as shall be previously reasonably approved by him and in all things by and at the expense of the Council Provided that if the said engineer shall not express his disapproval of such plans within twenty-eight days from the submission thereof he shall be deemed to have approved thereof :

(2) The Council shall restore and make good the road over any bridge level crossing or approach which the railway company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operation 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 any railway bridge level crossing approach viaduct station work lands or property of the railway company or interruption to the passage or conduct of traffic over any such railway or at any station thereon :

(3) If any such injury or interruption as aforesaid shall arise from or be in any way owing to

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any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such work the Council shall make compensation in respect thereof to the railway company :

(4) If any difference shall arise between the railway company and the Council under this section the same shall be determined by arbitration by an engineer to be agreed upon between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

As to breach of conditions of consent of Council.

117. Where under this Act or under any general or local Act for the time being in force in the district the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Recovery of penalties &c.

118. Save as otherwise expressly provided all offences against this Act and the Act of 1897 and the Act of 1900 and all fines forfeitures penalties 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 in county court.

119. Proceedings for the recovery of any demand made under the authority of this Act or the Act of 1897 and the Act of 1900 whether provision is or is not made for the recovery 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.

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In executing works for owner Council liable for negligence only.

120. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or of any officer or servant of the Council or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Evidence of appointments authority &c.

121. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to notices &c.

122.—(1) Where any notice or demand under any enactment byelaw or regulation for the time being in force within the district 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 (including demand notes for gas or water rents or charges) orders and other documents required or authorised to be served under any such enactment byelaw or regulation may be served in the same manner as notices under the Public Health Act

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1875 are by section 267 (Service of notices) 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.

(3) Section 73 (Authentication and service of notices) of the Act of 1900 is hereby repealed.

Informations by whom to be laid.

123. Save as herein 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 may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the district.

Application of provisions of Act of 1900.

124. The following provisions of the Act of 1900 shall with the necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely):—

Section 69 (Inquiries by Local Government Board) Provided that the said section shall be read and have effect as if the word "five" were substituted for the word "three" in subsection (2) of that section;

Section 70 (As to appeal);

Section 71 (Compensation how to be determined).

Powers of Act cumulative.

125. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one fine (other than a daily fine for a continuing offence) for the commission of the same offence.

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Costs of Act.

126. 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.

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The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Stamp.

Ten shillings.

MEMORANDUM OF AGREEMENT made the third day of November one thousand nine hundred and twenty-four between THE HOYLAKE AND WEST KIRBY GAS AND WATER COMPANY (hereinafter called "the Company") of the one part and THE HOYLAKE AND WEST KIRBY URBAN DISTRICT COUNCIL (hereinafter called "the Council") of the other part Whereby it is agreed as follows:—

1. In this agreement "the appointed day" means the 30th day of June 1925 "the day of transfer" means the day on which the consideration money hereinafter mentioned shall be paid to the Company and "the undertaking of the Company" includes all the real and personal property assets and effects of the Company as existing at the appointed day except such moneys as may be required to pay the unpaid (*a*) interest on the mortgages of the Company in full and (*b*) dividends on the preference stock and ordinary stock of the Company at the rate per centum per annum and the rates authorised by the Hoylake and West Kirby Gas and Water Act 1923 respectively in respect of the period from the 30th day of June 1923 to the 30th day of June 1925.

2. The Company to sell and the Council to purchase the undertaking of the Company as a going concern on the appointed day.

3. The consideration for the sale and purchase to be the payment by the Council to the Company of the sum of one hundred and eighty-seven thousand pounds in cash and the assumption by the Council of the debts and liabilities (other than mortgage debts) of the Company outstanding on the appointed day If the sum so payable is not paid on the appointed day the Council to pay to the Company interest thereon at the rate of six per centum per annum from the appointed day to the day of actual payment thereof Provided that if the Company so require the Council shall take over all or any of the mortgage debts of the Company outstanding on the appointed day and in that event the sum of one hundred and eighty-seven thousand pounds shall be reduced by the amount of the mortgage debts so taken over.

4. The Council shall also on the appointed day pay to the Company such sums (if any) as with the money in the hands of the Company applicable for that purpose may be required to pay any unpaid (*a*) interest on the mortgages and (*b*) dividends

on the preference and ordinary stocks of the Company at the rates aforesaid for the period from the 30th day of June 1923 to the 30th day of June 1925 If either of the sums in this paragraph mentioned shall not be paid by the Council on the appointed day the Council to pay interest thereon at the rate of six per centum per annum from the appointed day to the day of actual payment thereof.

5. The undertaking of the Company to be transferred to and vest in the Council on payment of the sums payable as aforesaid The title to the Company's freehold and leasehold properties shall commence with the conveyances and lease to the Company particulars of which are set out in the schedule hereto.

6. Until the day of transfer the Company to carry on the undertaking in the ordinary course of business maintaining normal quantities of consumable stores and up to the appointed day paying interest and dividends as aforesaid but not to enter into new capital commitments exceeding two thousand five hundred pounds in any one particular without the approval of the Council first obtained The remuneration of the directors and the salaries of the officers and staff apportioned up to the day of transfer shall be paid to them up to that date by the Company and the payment shall be treated as an expense of carrying on the undertaking.

7. All books and documents (except minute books and mortgage and stock registers but including all maps plans sections blue prints and specifications of contracts) to be handed over to the Council on the day of transfer and the Council to have reasonable access thereto (except as aforesaid) at any time for the purpose of enabling the Council to exercise the powers of the Bill when passed The Council also to have reasonable access to mortgages and stock registers for reference purposes and to the minute books so far as they relate to capital issues of the Company.

8. The Council to afford to the Company after the appointed day all reasonable facilities for enabling the Company to make up the accounts of the undertaking for the year ended the 30th day of June 1925 and to have the same audited in the usual way Such accounts when audited and the audited accounts for the year ending the 30th day of June 1924 to be evidence of all matters of account stated therein.

9. After the day of transfer the Company to wind up their affairs at their own expense.

10. After the day of transfer the Council to pay and discharge so far as the same shall not have been previously discharged by the Company the debts outgoings and liabilities to be assumed by the Council pursuant to paragraph 3 of this agreement and to indemnify the Company from all claims in respect thereof During the period (if any) between the appointed day and the day of transfer the Company to carry on the undertaking as agents for the Council.

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11. The Council to take over all persons in the regular employment of the Company (except Mr. A. G. Readdy and three other members of the administrative staff) who may be willing to enter the service of the Council and to retain all such persons in the same or similar office or employment and at not less remuneration and on not less favourable terms than those in at or upon which they were respectively employed by the Company on the day of transfer The Council not to discharge any of the administrative staff who may enter their employ for a period of three years except on account of misconduct.

12. Any employee of the Company who may enter the employ of the Council and be otherwise eligible shall be entitled to join the superannuation scheme of the Council on complying with the necessary conditions regulating the same and shall be entitled to the benefits of the scheme in respect of service with the Council but not in respect of past service with the Company.

13. The Council not to be liable to pay compensation to any officer servant or workman of the Company not taken over by the Council.

14. The Council to promote a Bill in the next available session of Parliament for giving effect to the foregoing terms and providing for the distribution by the Company of the moneys to be paid by the Council to the Company as aforesaid and for the winding up of the Company in such manner as the directors may require such part of the Bill as relates to this agreement to be submitted to and approved by the directors of the Company before the same is deposited and the Council to use their best endeavours to get the same passed into law The Company at the request and cost of the Council to render all such assistance in the promotion of the Bill as the Council may reasonably require.

15. The foregoing terms are subject to—

(*a*) the approval of (i) the proprietors of the Company (ii) the ratepayers of the Hoylake and West Kirby Urban District; and

(*b*) such alteration as Parliament may see fit to make therein and the directors and the Council may approve.

16. In the event of this agreement not being accepted by the proprietors of the Company or the Bill being rejected by the ratepayers aforesaid or during its progress through Parliament or not receiving the Royal Assent then on the happening of any such event this agreement and everything herein contained shall cease to have effect.

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

SCHEDULE OF CONVEYANCES OF LAND—FREEHOLDS.

No.	From	Date.	
1.	John Evans	13th July 1878	Upper portion Grange Hill site.
2.	John Evans	31st January 1881	Lower portion Grange Hill site.
3.	Leigh Estate	8th May 1890	North of Grange Hill site.
4.	Misses Walton	9th October 1893	Land and cottages do.
5.	Dr. J. Kellett Smith.	30th March 1894	Cottage on main road and land to south of original Grange Hill sites.
6.	Leigh Estate	31st December 1894	Triangular piece south of cottage (5).
7.	George Day	9th June 1903	Newton Estate.
8.	Hoylake and Birkenhead Rail and Tramway Company.	1st December 1879	Gas Works site No. 1.
9.	R. C. de G. Vyner	29th September 1900	Saughall-Massie.
10.	Lord Sheffield	14th October 1915	Gas Works site No. 2.

LEASEHOLDS.

Lease of offices Quadrant Hoylake :—

Lord Stanley of Alderley and Trustees 11th July 1900 for 99 years from 25th March 1898.

The common seal of the Hoylake and West Kirby Gas and Water Company was hereunto affixed in the presence of

(Signed) ALFRED TYRER
,, T. ROYDEN
} Directors.

Seal.

,, ARTHUR GEO. READDY
Secretary and Manager.

The common seal of the Hoylake and West Kirby Urban District Council was hereunto affixed in the presence of

(Signed) WALTER J. CROWTHER
Presiding Chairman.

Seal.

,, THOS. REDFERN
Clerk.

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SECOND SCHEDULE.

FORM OF DEED OF TRANSFER OF COMPANY'S UNDERTAKING.

Pursuant and subject to the provisions of the Hoylake and West Kirby Urban District Council Act 1925 and for the consideration mentioned in the agreement set forth in the First Schedule to that Act the Hoylake and West Kirby Gas and Water Company hereby grant convey and assign to the urban district council of Hoylake and West Kirby the undertaking property and assets of the said company mentioned in the said agreement To hold the same unto and to the use of the said Council their successors and assigns subject as in the said agreement mentioned And the said Council do hereby accept the same accordingly.

In witness whereof the parties hereto have hereunto affixed their respective common seals the day of nineteen hundred and twenty-five.

THIRD SCHEDULE.

GAS LIMITS.

The district and so much of the rural district of Wirral as comprises the parishes or townships of Caldy Grange Frankby Saughall-Massie Greasby and Moreton and the portion of the parish or township of Bidston-cum-Forde which is situate northwards and westwards of an imaginary line commencing at the point at which the southern boundary of the London Midland and Scottish Railway formerly the Wirral Railway (main line) crosses the parish boundary near and south-west of Seacombe Junction No. 2 and following that railway boundary south-westwards to a point opposite Seacombe Junction No. 1 thence crossing the railway at a right angle to the western boundary of the railway thence following that boundary southwards and westwards (crossing School Lane) to and abutting on the eastern northern and western sides of (and excluding) Bidstone Station thence proceeding south-eastwards in a straight line drawn from the south-western corner of Bidston Station across the London and North Eastern Railway formerly the Great Central Railway to a point in the northern boundary of the enclosure numbered 381 on the $\frac{1}{2500}$ Ordnance map Cheshire sheet VII-14 edition of 1911 53 yards or thereabouts from the eastern end of that boundary thence proceeding south-westwards along that boundary

and the western boundaries of the enclosures numbered 370 and 371 on the same map to the approach embankment of the bridge carrying Fender Lane over the London and North Eastern Railway formerly the Great Central Railway thence proceeding eastwards along the southern boundary of the enclosure numbered 371 aforesaid for a distance of 36 yards or thereabouts thence southwards (crossing Fender Lane at a right angle) to the eastern boundary of the vacant land on the east side of and within the boundary of the London and North Eastern Railway formerly the Great Central Railway and thence following that boundary to the south-western corner of the enclosure numbered 153A on the $\frac{1}{2500}$ Ordnance map Cheshire sheet XIII-2 edition of 1912 thence proceeding westwards across the railway and along the southern side of the enclosure numbered 153D on the last-mentioned map thence in a straight line westwards to the south-eastern corner of the enclosure numbered 237 on the $\frac{1}{2500}$ Ordnance map Cheshire sheet XIII-1 edition of 1912 and along the southern boundary of that enclosure and the enclosure numbered 235 on the same map.

FOURTH SCHEDULE.

GAS LANDS.

The three pieces of land on which are erected the existing gasworks and buildings of the Company and being—

(*a*) The piece of land situate in the urban district of Hoylake and West Kirby containing 3,400 square yards or thereabouts bounded on the east by Carr Lane and on the north west and south by the London Midland and Scottish Railway (formerly Wirral Railway) Station and premises;

(*b*) The piece of land containing 3 acres or thereabouts situate in the parish of Saughall-Massie in the rural district of Wirral bounded on the south by the London Midland and Scottish Railway (formerly Wirral Railway) and on the north east and west by land belonging or reputed to belong to Robert Charles de Grey Vyner;

(*c*) The piece of land containing 3·094 acres also situate in the urban district of Hoylake and West Kirby bounded on the north-westerly and north-easterly sides thereof by Carr Lane on the south-easterly side by the recreation ground and on the south-westerly side by an occupation road.

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FIFTH SCHEDULE.

WATER LIMITS.

The district and so much of the rural district of Wirral as comprises the parishes or townships of Caldy Grange Frankby Saughall-Massie Greasby and Moreton and the portion of the parish or township of Bidston-cum-Forde situate northwards and westwards of an imaginary line commencing at the point at which the southern boundary of the London Midland and Scottish Railway formerly the Wirral Railway (main line) crosses the parish boundary near and south-west of Seacombe Junction No. 2 and following that railway boundary south-westwards to a point opposite Seacombe Junction No. 1 thence crossing the railway at a right angle to the western boundary of the railway thence following that boundary southwards and westwards (crossing School Lane) to and abutting on the eastern northern and western sides of (and excluding) Bidston Station and thence proceeding westwards along the northern boundary of the London Midland and Scottish Railway formerly the Wirral Railway to the parish boundary.

SIXTH SCHEDULE.

THE EXISTING WATERWORKS (OTHER THAN PIPES) OF THE COUNCIL AND LANDS HELD IN CONNECTION WITH THEIR WATER UNDERTAKING.

Grange Hill Estate—

A piece of land situate partly within the urban district of Hoylake and West Kirby and partly within the parish or township of Grange in the rural district of Wirral bounded on the east by the Chester high road known as Column Road on the west by lands now or formerly belonging to the executors of the late Dr. Joseph Kellet Smith and the executors of the late William Henry Forde on the north by the Liberty Piece and on the south by land now or formerly belonging to or reputed to belong to Sir Alfred Vaughan Paton and containing in the whole 25,297 square yards or thereabouts together with the pumping station boreholes wells engines engine-houses pumps machinery reservoirs and other works and buildings erected thereon.

Newton Estate—

A piece of land situate within the parish or township of Grange in the rural district of Wirral bounded on the west by a roadway connecting the village of Newton with the Chester high road on the east by lands now or formerly belonging to or reputed to belong to Sir Thomas Royden Baronet and W. Phillips on the north by land now or formerly belonging to or reputed to belong to West Kirby charities and on the south by land now or formerly belonging to or reputed to belong to S. F. Widdrington and containing in the whole 19,450 square yards or thereabouts together with the pumping station bore-holes wells engines engine-house pumps machinery settling tanks and other works and buildings erected thereon.

SEVENTH SCHEDULE.

FORM OF MORTGAGE.

URBAN DISTRICT OF HOYLAKE AND WEST KIRBY.

By virtue of the Hoylake and West Kirby Urban District Council Act 1925 and of other their powers in that behalf them enabling the urban district council of Hoylake and West Kirby (hereinafter referred to as "the Council") in consideration of the sum of pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the district by (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day

A.D. 1925. of in each year And it is hereby agreed that the principal sum shall be repaid at the Council's offices in the said district [(subject as hereinafter provided) on the day of nineteen hundred and or (if not repaid on that date) at any time thereafter on the expiration of three calendar months' notice in writing by the Council to the mortgagee or by the mortgagee to the Council] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Council and the mortgagee and mentioned in an endorsement to be made hereon under the hands of the clerk of the district for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of nineteen hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of nineteen hundred and [and the interest to be paid thereon on and from the day of nineteen hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of nineteen hundred and .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] [of] in consideration of the sum of pounds paid to me by of (hereinafter referred to as "the transferee") do hereby transfer

to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the urban district council of Hoylake and West Kirby bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of nineteen hundred and .

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