CHAPTER cxxvi.

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An Act for transferring to the Mayor Aldermen and Burgesses of the Borough of Liskeard the undertaking of the Liskeard Waterworks Company and for empowering the Corporation to supply water within the limits of supply of the Company and for other purposes.

[25th July 1898.]

WHEREAS the borough of Liskeard in the county of Cornwall is a municipal borough under the government of the mayor aldermen and burgesses of the borough and the Corporation acting by the council are the urban district council for the borough:

And whereas by the Liskeard Waterworks Act 1860 the Liskeard Waterworks Company were incorporated for the purpose of supplying water within the borough and parish of Liskeard in the county of Cornwall and for making and maintaining waterworks and for other the purposes of that Act and were authorised to raise a share capital of six thousand pounds and to borrow one thousand five hundred pounds:

And whereas the Company have constructed waterworks and are supplying water within the borough:

And whereas it is expedient that the water supply of the borough should be in the hands and under the control of the Corporation:

And whereas the Corporation and the Company have agreed for the sale and transfer of the undertaking of the Company to the Corporation upon the terms and conditions herein-after set forth and it is expedient that the undertaking be accordingly transferred to and vested in the Corporation as by this Act provided:

And whereas it is expedient that the Corporation be authorised to borrow money for the purposes of this Act and that such other provisions be made with reference to the Corporation and the Company as are in this Act contained:

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

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And whereas the capital of the Company consists of six hundred shares of ten pounds each on each of which shares the sum of eight pounds ten shillings has been paid up and the Company have a mortgage debt of one thousand five hundred pounds:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-seventh day of October one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Cornish Times a local newspaper published and circulated in the borough such notice being in addition to the ordinary notice required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough:

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

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

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

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

PRELIMINARY.

Short title.

1. This Act may be cited as the Liskeard Corporation Act 1898.

Incorporation of Acts.

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

The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than

by agreement and with respect to the entry upon lands by the promoters of the undertaking :

The Waterworks Clauses Acts 1847 and 1863 except the provisions of the former of such Acts with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except section 83 thereof and except the words in section 44 thereof " with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner."

Interpretation.

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

" The Undertakers " or " the Company " means the Corporation :

And in this Act unless the context otherwise requires—

" The Corporation " means the mayor aldermen and burgesses of the borough of Liskeard ;

" The borough " means the borough of Liskeard ;

" The council " means the council of the borough ;

" The borough fund " and " the borough rate " mean respectively the borough fund and the borough rate of the borough ;

" The Company " means the Liskeard Waterworks Company ;

" The Act of 1860 " means the Liskeard Waterworks Act 1860 ;

" Statutory security " means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Corporation and securities transferable by delivery ;

" The undertaking of the Company " means the waterworks lands easements buildings reservoirs plant machinery mains pipes apparatus chattels and all other the property real and personal of every description including all books plans and documents necessary to enable the Corporation to carry on the business of the undertaking and to perform the duties and obligations of this Act vested in or belonging to the Company and all powers rights privileges and exemptions

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exerciseable or enjoyed by the Company at the passing of this Act save and except—

(1) The cash balances other than consumers' deposits in the Company's hands or in those of their bankers or agents on the day of the transfer and all sums standing to the credit of their reserve fund; and

(2) All rents and profits of and all book and other debts due to the Company and all rates accrued due on the day of the transfer other than so much of any rates or other payments payable in advance as shall be attributable to any period after that date;

"The water undertaking" means the water undertaking of the Corporation under this Act;

"Water revenue" means and includes all moneys received by the Corporation for or in relation to the water undertaking other than borrowed moneys and other moneys which ought to be carried to the account of capital.

Limits of Act.

4. The limits of this Act for the supply of water shall be the borough and parish of Liskeard in the county of Cornwall.

Execution of Act.

5. This Act shall be carried into execution by the Corporation acting by the council.

Purchase of the Company's Undertaking.

Company to sell their undertaking to Corporation.

6. The Company shall sell and the Corporation shall purchase as from the twenty-fourth day of December one thousand eight hundred and ninety-eight the undertaking of the Company for the consideration and upon and subject to the terms and conditions following (that is to say):—

(1) The consideration for the sale and purchase shall be the payment by the Corporation to the Company of the sum of sixteen thousand five hundred pounds:

(2) The Company shall be entitled to and shall retain all sums standing to their credit at any bank or otherwise and all sums standing to the credit of their reserve fund and all cash in hand:

(3) Up to the said twenty-fourth day of December the Company shall maintain their works and carry on their business as usual and in accordance with their statutory powers and obligations but the Company shall not without the previous consent of the Corporation under the hand of the town clerk of the borough make or enter into any contract agreement or obligation except

such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking:

(4) The Company shall pay off their said mortgage debt of one thousand five hundred pounds with interest thereon up to the date of payment and shall bear and pay all outgoings of every kind and shall receive all rates and other debts due to them and shall be entitled to all receipts from the undertaking up to the transfer Provided that nothing in this Act contained shall entitle the Company to retain for their own benefit so much of any rates or other payments paid or payable in advance as shall be attributable to any period after the transfer but such rates or other payments shall be apportioned and so much thereof as is attributable to any period after the transfer shall be paid over by the Company to the Corporation:

(5) The purchase shall be completed on the said twenty-fourth day of December one thousand eight hundred and ninety-eight.

Receipt for purchase-money.

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

Transfer.

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

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

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proceedings of the transfer to and vesting in the Corporation of the undertaking of the Company.

Liabilities and actions &c. by or against Company.

9. All debts and liabilities of the Company which remain unpaid or unsatisfied at the time of the transfer shall as between the Company and the Corporation be paid or satisfied by the Company and the Company shall indemnify the Corporation against the same and if at the time of the transfer any action or proceeding or any cause of action or proceeding is pending or existing by or against or in favour of the Company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by or against or in favour of the Company as and when it might have been continued prosecuted and enforced by or against or in favour of the Company if this Act had not been passed but not further or otherwise.

Contracts of Company to be binding on Corporation.

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

Application of purchase-money.

11. The purchase or consideration money of sixteen thousand five hundred pounds and any other moneys to be paid by the Corporation to the Company on the completion of the purchase and all other moneys belonging to the Company shall be applied by the directors of the Company in the manner following:—

(1) In paying off in accordance with their several priorities all moneys owing by the Company on mortgage bond or other charge on the undertaking of the Company with interest thereon up to the date of payment;

(2) In discharging all outstanding debts and liabilities of the Company which shall not have been so secured including the costs of the Company in relation to the Bill for this Act and to the sale and transfer of their undertaking and to the winding up and distribution of the assets of the Company;

(3) In paying the officers and servants of the Company such compensation for loss of employment as the shareholders in the Company may in general meeting by resolution prescribe;

(4) In making a division of the residue amongst all the holders of the shares and stocks of the Company in proportion to their several holdings:

And the directors may exercise all powers and do all acts necessary or proper for the foregoing purposes respectively.

Books of Company evidence as to shareholders.

12. For the purposes of the distribution of the assets of the Company the several persons whose names shall appear in the books of the Company at the time of the transfer to be the proprietors of shares or stock therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders or stockholders of the Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share stock or interest in respect whereof that money is paid.

Payment into court by directors.

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

Winding-up and dissolution of Company.

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

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

Books &c. to remain evidence.

15. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or

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against the Company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Maintenance of waterworks.

16. The Corporation may maintain renew and repair the reservoirs mains pipes and other waterworks for the time being belonging to them by virtue of this Act or otherwise and may use and employ the same for the purpose of taking intercepting and impounding any water that can be thereby taken intercepted or impounded and may take any water which might have been taken intercepted or impounded by the Company if this Act had not been passed and may sell and supply water in accordance with the provisions of this Act.

Repeal of Act of 1860.

17. The Act of 1860 shall as from the dissolution of the Company be repealed.

Rates for supply of water for domestic purposes.

18. The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at rates not exceeding the rates per annum herein-after specified (that is to say) :—

Where the rateable value of the premises so supplied with water does not exceed five pounds and ten shillings the sum of eight shillings and eight pence ;

Where such rateable value exceeds five pounds and ten shillings and does not exceed twenty pounds the rate of eight pounds per centum upon such rateable value ;

Where such rateable value exceeds twenty pounds and does not exceed fifty pounds the rate of seven pounds per centum upon such rateable value ;

Where such rateable value exceeds fifty pounds and does not exceed one hundred pounds the rate of six pounds per centum upon such rateable value ;

Where such rateable value exceeds one hundred pounds the rate of five pounds per centum upon such rateable value :

Provided that the Corporation shall in no case be entitled to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just such higher rateable value as would bring it within another division of the said scale :

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that

where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Rates for water-closets and baths.

19. In addition to the foregoing charges the Corporation may charge in respect of the second watercloset (no additional charge shall be made for the first) on any premises within the limits of this Act a sum not exceeding eight shillings per annum and for each additional watercloset a yearly sum not exceeding four shillings and for every fixed bath containing as usually filled for use not more than fifty gallons a sum not exceeding eight shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Corporation 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.

Corporation not to be compelled to supply certain closets or baths.

20. The Corporation shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Corporation nor any bath which shall be capable of containing when filled for use more than fifty gallons of water Provided that the Corporation shall not be entitled under the provisions of this section to cut off the supply of water for domestic purposes.

Rate payable by owners for small houses.

21. Where the rateable value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Supply to houses partly used for trade &c.

22. The Corporation shall not be bound to supply with water otherwise than by measure 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.

Corporation not bound to supply several houses by one pipe.

23. The Corporation 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 into each house supplied by them with water.

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Notice of discontinuance.

24. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be sent by post to or left at the office of the Corporation.

As to pressure.

25. The water to be supplied by the Corporation need not be constantly laid on at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply shall be afforded.

FINANCIAL.

Power to borrow.

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

(1) For the purchase of the undertaking of the Company and defraying the costs and expenses of and incident to such purchase and to the transfer of such undertaking to the Corporation the sum requisite for those purposes;

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

And with the approval of the Local Government Board such further moneys as the Corporation may require for any of the purposes of this Act or otherwise in relation to the water undertaking of the Corporation:

In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge the revenue of their water undertaking and if they think fit as a collateral security the borough fund and the borough rate:

Provided that if any deficiency should arise in carrying out the provisions of this Act and any burden should thereby be imposed on the borough rate then and in such case as to the incidence of rating in respect of any such deficiency and burden respectively the provisions of section 211 sub-section 1 clause (B) of the Public Health Act 1875 and the exemptions therein contained shall apply accordingly.

Mode of raising money.

27. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Fund Act 1885 or partly in one way and partly in another or others Provided that in respect

of moneys raised under the Local Loans Act 1875 and repayable by sinking funds the provisions of the section of this Act the marginal note whereof is "Sinking fund" shall apply in lieu of those of section 15 of the Local Loans Act 1875.

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

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

Provisions of Public Health Act as to mortgages to apply.

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

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

Periods for discharge of loans.

30. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say):—

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

As to money borrowed for the purpose (2) in the said section mentioned within ten years from the date or dates of the borrowing of the same;

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

Mode of repayment of money borrowed.

31. The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made not later than one year from the date of borrowing.

Sinking Fund.

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

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a non-accumulating sinking fund; or

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(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

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

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

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

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

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

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

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations

thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided always that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

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

Corporation not to regard trusts.

34. The Corporation shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages or charges of the Corporation shall be sufficient discharge to the Corporation in respect thereof

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notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of receiver.

35.—(1) The mortgagees of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court and the Court if it thinks fit may appoint a receiver on such terms as it thinks fit and may at any time discharge the receiver and otherwise exercise full jurisdiction over him.

Power to reborrow.

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

Annual return to Local Government Board.

37.—(1) The town clerk of the borough shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or any interest thereof or investment of the

sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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

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

Application of money borrowed.

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

Application of water revenue.

40. The Corporation shall apply all money received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

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

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

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

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

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

As to deficiency in receipts.

41. Any deficiency in the revenue or receipts of the Corporation on account of their water undertaking shall be made good out of the borough fund and the first borough rate made after the deficit is ascertained shall be increased accordingly.

Miscellaneous.

Power to take additional land by agreement.

42. The Corporation may for any of the purposes of their water undertaking purchase by agreement any lands not exceeding four acres but the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to take easements &c. by agreement.

43. 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 Corporation 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 as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Reservation of water

44. The Corporation on selling any lands acquired by them in connexion with their water undertaking and not required for that

purpose 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 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.

rights &c. on sale.

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

Power to hold lands for protection of works.

46. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but which have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

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

Byelaws for preventing waste &c. of water.

(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans

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waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination:

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

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Corporation by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

General provisions as to byelaws.

48. All the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply to all byelaws made by the Corporation under the powers of this Act.

Supply of water for other than domestic purposes and by measure.

49. The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by measure either for domestic or other purposes at rates not exceeding two shillings per thousand gallons and the moneys payable for the supply of water under this section shall be recoverable in the same manner as rates due to the Corporation for water 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.

Power to sell meters.

50. The Corporation may sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to Corporation of connecting

51. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four

hours' notice in writing to the Corporation 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 Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. A.D. 1898. or disconnecting meters.

52. 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 connected therewith 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 Corporation shall for every such offence be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained: Injuring meters &c.

And 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 Corporation 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 Corporation the Corporation may also 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 Corporation by the person so offending and may be recovered by them as water rent is recoverable:

The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation 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.

53. The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and Power to Corporation to supply materials.

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do all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Inquiries by Local Government Board.

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

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Expenses of execution of Act.

55. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and borough rate.

Audit of accounts.

56. The accounts of receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

Judges not disqualified.

57. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or any water rate rent or charge payable to the Corporation.

Saving rights of the Duchy of Cornwall.

58. Nothing contained in this Act shall extend to authorise the Corporation to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty in right of the Duchy of Cornwall without the consent in writing of some two or more of such regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of

such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being. A.D. 1898.

Costs of Act.

59. All the costs charges and expenses of the Corporation preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

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