Liverpool Corporation Act, 1957

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CHAPTER xlii

An Act to authorise the lord mayor aldermen and citizens of the city of Liverpool to construct additional waterworks and other works connected therewith to acquire lands to make further provision in relation to their water undertaking and for other purposes.

[1st August 1957.]

WHEREAS—

(1) The city of Liverpool (hereinafter referred to as "the city") is a county borough under the management and local government of the lord mayor aldermen and citizens of the city acting by the council (hereinafter referred to as "the Corporation"):

(2) The Corporation are the authorised undertakers for the supply of water and supply water within the city and certain adjacent and other areas:

(3) The demand for water within the limits of supply of the Corporation and for supplies by them of water in bulk has increased is increasing and is likely further to increase:

(4) With a view to ensuring that the Corporation shall be and continue to be in a position to meet the demands made upon them for the supply of water it is expedient that the Corporation should

be empowered to construct the new works described in this Act and to take divert impound and abstract waters from certain rivers and streams by means of such works:

(5) It is expedient that the Corporation should be empowered to acquire lands and easements for the purpose of the construction of the new works and for other purposes:

(6) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

	£
For the purchase of lands and easements under the powers of this Act	487,880
For the construction of the works authorised by this Act	17,272,620
	17,760,500

(7) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

(8) It is expedient that the powers of the Corporation in relation to their water undertaking should be enlarged and varied as in this Act provided and that the other provisions in this Act should be enacted:

(9) The objects of this Act cannot be effected without the authority of Parliament:

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

(11) Plans and sections showing the lines situations and levels of the works authorised by this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been duly deposited with the clerks of the county councils of the several counties and the town clerks of the several county boroughs within which the said works will be constructed or the said lands are situated which plans sections and book of reference are in this Act respectively referred to as the deposited plans the deposited sections and the deposited book of reference.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and

with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

PART I

PRELIMINARY

1. This Act may be cited as the Liverpool Corporation Act 1957. Short title.

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

Part I.—Preliminary.
Part II.—Works.
Part III.—Lands.
Part IV.—Water supply.
Part V.—Finance.
Part VI.—Miscellaneous.
Part VII.—Protective provisions.
Part VIII.—General.

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

(*a*) the Lands Clauses Acts (except sections 92 and 127 to 133 of the Lands Clauses Consolidation Act 1845 and section 5 of the Lands Clauses Consolidation Acts Amendment Act 1860):

Provided that—

(i) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section; and

(ii) the expression "the promoters of the undertaking" where used in the incorporated provisions of the Lands Clauses Acts means the Corporation;

(*b*) the Railways Clauses Consolidation Act 1845 (except sections 7 8 9 76 and 86 to 125 thereof) and Part I (relating to construction of a railway) of the Railways Clauses Act 1863:

Provided that—

(i) for the purposes of the railway diversion (Work No. 10) the expression "the railway" where used in the incorporated provisions of the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 means the said railway diversion and the expression "the company" where used in the said provisions means the Corporation;

(ii) for the purposes of the works authorised by this Act other than the said railway diversion the

PART I —*cont.*

expression " the railway " where used in sections 16 and 30 to 44 of the Railways Clauses Consolidation Act 1845 means the said works other than the said railway diversion the expression " the centre of the railway " where used in the said sections means the centre line of those works as shown on the deposited plans and the expression " the company " where used in the said sections means the Corporation;

(iii) the provisions of sections 18 and 21 of the Railways Clauses Consolidation Act 1845 shall not extend to regulate the relations between the Corporation and any other person in respect of any matter or thing concerning which those relations are regulated in any respect by the provisions of section 26 of the Public Utilities Street Works Act 1950; and

(iv) any electrical works or apparatus laid down maintained worked or used in pursuance of the powers conferred by the incorporated provisions of the Railways Clauses Consolidation Act 1845 shall be so erected or laid down and so maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line;

(*c*) section 2 of the Third Schedule to the Water Act 1945 in addition to the provisions of the said Third Schedule applied to the undertaking generally and incorporated by section 58 (Incorporation of provisions of Third Schedule to Water Act 1945) of this Act:

Provided that the said section 2 as so incorporated shall have effect as if for the words " the plans submitted to the Minister " there were substituted the words " the deposited plans " and for the words " the said plans " there were substituted the words " the deposited sections ".

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Third Schedule to the Water Act 1945 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

" the Bala lake works " and " the scheduled agreement " have the same respective meanings as in the Dee and Clwyd River Board Act 1951 ;

PART I
—*cont.*

" city " means the city of Liverpool;

" commission " means the British Transport Commission;

" contravention " includes a failure to comply and " contravene " shall be construed accordingly;

" Corporation " means the lord mayor aldermen and citizens of the city acting by the council;

" council " means the council of the city;

" daily penalty " means a penalty for each day on which any offence is continued after conviction;

" day " means a day of twenty-four hours reckoned from nine o'clock in the morning;

" enactment " includes any enactment in this Act or in the Third Schedule to the Water Act 1945 or in any general or local Act and any order byelaw or regulation from time to time in force within the limits of supply;

" highway authority " means—

(*a*) in relation to a trunk road the Minister of Transport and Civil Aviation or with his consent the authority which are for the time being acting as his agents under the Trunk Roads Acts 1936 and 1946 with respect to trunk roads; and

(*b*) in relation to any other highway which is repairable by the inhabitants at large the authority by which that highway is maintained;

" land " includes any interest in land and any easement or right in to or over land;

" Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;

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

" magistrates' court " has the same meaning as in section 124 of the Magistrates' Courts Act 1952;

" Merionethshire County Council " means the county council of the administrative county of Merioneth;

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

" prescribed flow " means the flow prescribed by the proviso to paragraph (*a*) of subsection (2) of section 21 (Power to take water from river Dee) of this Act;

PART I —*cont.*

" the river board " means the Dee and Clwyd River Board;

" telegraphic line " has the same meaning as in the Telegraph Act 1878;

" town clerk " means the town clerk of the city and includes any person duly appointed by the Corporation to discharge temporarily the duties of that officer;

" undertaking " means the water undertaking of the Corporation as from time to time authorised.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

(4) All distances and lengths stated in any description of works powers or lands shall be construed as if the words " or thereabouts " were inserted after each such distance or length.

(5) Unless the context otherwise requires any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

PART II

WORKS

Power to construct works.

5. Subject to the provisions of this Act the Corporation may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections construct and maintain in the counties of Chester Lancaster and Merioneth in the city and in the county borough of St. Helens the works hereinafter described:—

In the county of Merioneth—

In the rural district of Penllyn—

Work No. 1 An impounding reservoir (in this Act called " the Tryweryn reservoir ") in the parishes of Llanfor and Llanycil to be formed by means of an embankment or dam across the Afon Tryweryn commencing in the parish of Llanfor in the enclosure numbered 2894 on the 1/2500 Ordnance map of Merionethshire sheet XIV.5 (Second edition 1901) and terminating in the parish of Llanycil in the enclosure numbered 26 on the 1/2500 Ordnance map of Merionethshire sheet XIV.9 (Second edition 1901);

Work No. 2 A conduit or catchwater and intakes in the parish of Llanfor commencing in the Afon Hesgin at a point nine hundred and ninety yards measured in a north-westerly direction from the confluence of the Afon Hesgin with the Afon

PART II —*cont.*

Tryweryn and terminating in the Tryweryn reservoir (Work No. 1) at the north-eastern end of the said embankment or dam the said intakes being situated in the Afon Hesgin at the commencement of the said conduit or catchwater and in the streams traversed by the said conduit or catchwater at the several points at which the said streams are traversed thereby;

Work No. 3 A conduit or catchwater and intakes in the parishes of Llanuwchllyn and Llanycil commencing in the parish of Llanuwchllyn in the Afon Erwent at a point one thousand seven hundred and fifteen yards measured in a north-westerly direction from the confluence of the Afon Erwent with the Afon Lliw and terminating in the parish of Llanycil in the Nant Aberderfel at a point six hundred and eighty yards measured in a south-south-easterly direction from the landward end of the pier on the eastern bank of Llyn Arenig-Fawr the said intakes being situated in the Afon Erwent at the commencement of the said conduit or catchwater and in the streams known as Dolydd Bychain Nant-hir and Y Merdd and in the other streams traversed by the said conduit or catchwater at the several points at which the said streams are traversed thereby;

Work No. 4 A stream improvement in the parish of Llanycil of the Nant Aberderfel consisting of a straightening deepening widening or strengthening of portions of the bed and banks thereof commencing at the termination of the conduit or catchwater (Work No. 3) and terminating in the Tryweryn reservoir (Work No. 1) at a point seventy yards measured in a northerly direction from the point where the Bala Junction and Blaenau-Ffestiniog railway crosses the Nant Aberderfel;

Work No. 9 A road diversion in the parishes of Llanfor and Llanycil of the road from Bala to Blaenau-Ffestiniog between Frongoch and Rhyd-y-fen commencing in the parish of Llanfor at a point on the said road three hundred and fifty yards measured in a north-westerly direction from St. Mark's Church and terminating in the parish of Llanycil at a point on the said road eight hundred and eighty yards measured in a south-westerly direction from Pont ar Gelyn;

Work No. 10 A railway diversion (three miles nine hundred and twenty-four yards in length) in the

PART II —*cont.*

parishes of Llanfor and Llanycil being a diversion of the Bala Junction and Blaenau-Ffestiniog railway commencing in the parish of Llanfor by a junction with the said railway at a point one hundred and ten yards measured in a westerly direction from the western abutment of the bridge carrying the said railway over the Afon Tryweryn near Ciltalgarth and terminating in the parish of Llanycil by a junction with the said railway at a point forty yards measured in a north-north-easterly direction from Capel Celyn Halt;

Work No. 11 A new road in the parishes of Llanfor and Llanycil being an approach road leading from the road diversion (Work No. 9) to an intended halt in the railway diversion (Work No. 10) commencing in the parish of Llanfor by a junction with the said road diversion at a point three hundred and eighty-five yards measured in a north-easterly direction from the north-eastern abutment of the bridge carrying the Bala Junction and Blaenau-Ffestiniog railway over the Afon Tryweryn near Tyddyn-bychan and terminating in the parish of Llanycil at the said intended halt at a point four hundred and twenty yards measured in a south-westerly direction from the south-western abutment of the said bridge:

In the urban district of Bala and the rural district of Penllyn—

Work No. 12 A stream improvement in the urban district of Bala and in the parishes of Llanfor and Llanycil in the rural district of Penllyn of the Afon Tryweryn consisting of a straightening deepening widening or strengthening of portions of the bed and banks thereof commencing on the boundary between the said parishes of Llanfor and Llanycil at the bridge carrying the Bala Junction and Blaenau-Ffestiniog railway over the Afon Tryweryn near Tyddyn-bychan and terminating in the urban district of Bala at the bridge carrying the road leading from Bala to Llanfor over the Afon Tryweryn at Pont Tryweryn or Pont y Bala:

In the county of Chester—

In the rural district of Chester—

Work No. 15 An intake and an aqueduct or line or lines of pipes in the parish of Huntington the said intake being situated on the right bank of the river

PART II —*cont.*

Dee at a point six hundred and seventy yards measured in a westerly direction from the farmhouse known as Huntington Hall Farm and the said aqueduct commencing in the said intake and terminating in the Huntington reservoir (Work No. 16);

Work No. 16 A storage reservoir (in this Act called "the Huntington reservoir") in the parish of Huntington situated in the enclosures numbered 76 77 79 85 86 87 105 and 106 on the 1/2500 Ordnance map of Cheshire sheets XLVI.3 and XLVI.4 (edition of 1911);

Work No. 16A An aqueduct or line or lines of pipes in the parish of Huntington commencing in the Huntington reservoir (Work No. 16) and terminating in the treatment works (Work No. 17);

Work No. 17 Treatment works in the parish of Huntington situated in the enclosures numbered 87 105 and 106 on the 1/2500 Ordnance map of Cheshire sheets XLVI.3 and XLVI.4 (edition of 1911);

Work No. 18 A waste water conduit or line or lines of pipes in the parish of Huntington commencing in the Huntington reservoir (Work No. 16) and terminating on the right bank of the river Dee at a point seven hundred and thirty yards measured in a west-north-westerly direction from the farmhouse known as Meadowhouse Farm:

In the rural districts of Chester and Runcorn—

Work No. 19 An aqueduct or line or lines of pipes commencing in the parish of Huntington in the treatment works (Work No. 17) passing into and through the parishes of Saighton Rowton Christleton Littleton Guilden Sutton Barrow Dunham on the Hill and Hapsford in the rural district of Chester and the parishes of Helsby Frodsham and Sutton and terminating in the parish of Norton in the rural district of Runcorn at the second Norton water tower (Work No. 20);

Work No. 20 A water tower (in this Act called "the second Norton water tower") in the said parish of Norton situated in the enclosures numbered 46 and 73 on the 1/2500 Ordnance map of Cheshire sheet XXV.5 (edition of 1910):

PART II —*cont.*

In the counties of Chester and Lancaster and the county borough of St. Helens—

Work No. 21 An aqueduct or line or lines of pipes commencing in the parish of Norton in the rural district of Runcorn at the second Norton water tower (Work No. 20) passing into and through the parish of Cuerdley in the rural district of Warrington the borough of Widnes the parishes of Bold and Rainhill in the rural district of Whiston the county borough of St. Helens and the parishes of Eccleston and Whiston in the said rural district of Whiston and terminating in the said parish of Eccleston in the Prescot reservoirs of the Corporation;

Work No. 22 A shaft and tunnel in the said parishes of Norton and Cuerdley commencing in the said parish of Norton at a point fifteen yards measured in a south-south-easterly direction from the south side of the Manchester Ship Canal and one hundred and twenty-five yards measured in an east-north-easterly direction from the existing shaft and valve house of the Corporation on the south side of the said canal and terminating in the said parish of Cuerdley by a junction with the existing eastern shaft and tunnel of the Corporation on the north side of the said canal;

Work No. 23 An aqueduct or line or lines of pipes commencing in the said parish of Eccleston by a junction with the aqueduct or line or lines of pipes (Work No. 21) at a point three hundred and twenty-five yards measured in a south-south-easterly direction from the southern abutment of the bridge carrying Portico Lane over the St. Helens to Liverpool railway passing into and through the county borough of St. Helens and terminating in the said parish of Eccleston at a point on the west side of the road leading from Prescot to St. Helens one hundred and ninety yards measured in a south-south-easterly direction from the farmhouse known as Roughley's Brow Farm:

In the county of Lancaster—

In the urban district of Prescot and the rural district of Whiston—

Work No. 24 A water tower in the urban district of Prescot and the parishes of Eccleston and Knowsley

PART II —*cont.*

in the rural district of Whiston situated in the enclosure numbered 143 on the 1/2500 Ordnance map of Lancashire sheet CVII.7 (Revision of 1937);

Work No. 25 Treatment works in the urban district of Prescot and the said parishes of Eccleston and Knowsley situated in the enclosure numbered 143 on the 1/2500 Ordnance map of Lancashire sheet CVII.7 (Revision of 1937):

In the county of Lancaster and the city—

Work No. 26 An aqueduct or line or lines of pipes commencing in the borough of Widnes by a junction with the Vyrnwy aqueduct of the Corporation at a point two hundred and fifty-five yards measured in a southerly direction from the southern abutment of the bridge carrying Barrow's Green Lane over the Manchester to Liverpool railway passing into and through the parishes of Tarbock and Halewood in the rural district of Whiston and terminating in the city in the Speke reservoir of the Corporation.

Power to deviate in execution of Work No. 10.

6. In the execution of the railway diversion (Work No. 10) or any part of such work the Corporation may deviate from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards and ten feet downwards or to such further extent as may be found necessary or convenient and as may be sanctioned by the Minister of Transport and Civil Aviation.

As to construction of works in river Mersey.

7. Notwithstanding anything in section 2 of the Third Schedule to the Water Act 1945 as applied and incorporated by this Act the Corporation shall if they construct any part of the aqueduct or line or lines of pipes (Work No. 21) in or under the bed or banks of the river Mersey construct the same in the existing shafts and culverts or tunnels of the Corporation under the river Mersey.

Power to stop up roads bridleways and footpaths.

8.—(1) Subject to the provisions of this Act the Corporation may stop up the roads bridleways and footpaths or portions thereof in the rural district of Penllyn in the county of Merioneth referred to in the next following table so far as the same are shown on the deposited plans as intended to be stopped up and

PART II —*cont.*

thereupon all rights of way over the said roads bridleways and footpaths or portions thereof shall be extinguished:—

Letters on plans denoting road bridleway or footpath to be stopped up	Parish	Numbers on plans of enclosures traversed by road bridleway or footpath
c — c^1	Llanycil ...	28 35
c^1 — c^2	Llanycil ...	35 72
c^1 — c^2	Llanycil ...	40 52 56 58 62 63 67
c^2 — c^3	Llanycil ...	63 68 120 122 141
d — d^1	Llanycil ...	249
e — e^1	Llanfor ...	34
e^2 — e^3	Llanycil ...	52
f — f^1	Llanycil ...	83 84 86 114 115 116 117 119
g — g^1	Llanycil ...	117 124 125 130.134
g — c^3	Llanycil ...	117 123 130 131 132 133 141
h — h^1	Llanycil ...	113 116 127 128
j — j^1	Llanycil ...	110 127 129 131 132 133 134 141 142
k — k^1	Llanycil ...	150 160 169 170
k^1 — k^2	Llanycil ...	171 177 179
k^2 — k^3	Llanycil ...	161 181 182 184 187 199
k^1 — m	Llanycil ...	154 156 159 164 170
k^2 — m	Llanycil ...	151 152 153 154 161
m^1 — m^2	Llanycil ...	120 137 145 146 154
m — m^3	Llanycil ...	136 151 154
n — n^1	Llanycil ...	21 22 25 26 35
p — p^1	Llanfor ...	25 29 32 33
q — q^1	Llanfor ...	44 54 55
q^2 — q^3	Llanfor ...	59 60 63
r — r^1	Llanfor ...	48 63 66 67
r^1 — r^2	Llanfor ...	48
s — s^1	Llanfor ...	90 95
s^2 — s^3	Llanfor ...	77 83
t — t^1	Llanfor ...	94 95 98
u — u^1	Llanfor ...	123
u^2 — u^3	Llanfor ...	124 138
u^4 — u^5	Llanfor ...	107
v — v^1	Llanfor ...	145 147
w — w^1	Llanfor ...	150 152 153 155
x^1 — x^2	Llanfor ...	91 92 93 94 103 104 105 107 109 110 159
	Llanycil ...	68 190 194 195 197
y — y^1	Llanycil ...	248 249 250 266 267 268 271
z — d	Llanycil ...	216 224 227 232 236 238
z — z^1	Llanycil ...	210 218 219
z — z^2	Llanycil ...	216 221 222
z — z^3	Llanycil ...	196 198 206 207 214 219 220
z — z^4	Llanycil ...	216 217 253 254 255
	Llanfor ...	159

(2) Subject as aforesaid the Corporation may also stop up so much of any other roads bridleways or footpaths in the parishes of Llanfor and Llanycil in the rural district of Penllyn as may be situate on any lands acquired by the Corporation under the

PART II —*cont.*

powers of section 33 (Power to acquire lands) of this Act and thereupon all public rights of way over any such portions of roads bridleways and footpaths shall be extinguished.

(3) No portion of any road bridleway or footpath shall be stopped up under the powers of subsection (2) of this section without the consent of the Merionethshire County Council:

Provided that such consent shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

(4) No portion of any road bridleway or footpath shall be stopped up under the powers of this section until the Corporation are owners in possession of all lands on both sides of such portion except so far as the owners lessees and occupiers of those lands may otherwise agree.

Power to divert roads bridleways and footpaths.

9.—(1) The Corporation may divert the roads bridleways and footpaths in the rural district of Penllyn in the county of Merioneth and in the rural district of Runcorn in the county of Chester referred to in the next following table in the manner shown upon the deposited plans and subject to the provisions of this Act may stop up and cause to be discontinued as a public highway so much of each of the said roads bridleways and footpaths as will be rendered unnecessary by the diversion of such road bridleway or footpath under the powers of this Act:—

Letters on plans denoting road bridleway or footpath to be diverted	Parish	Numbers on plans of enclosures traversed by road bridleway or footpath
	In the rural district of Penllyn—	
O — P	Llanfor ...	42
	Llanycil ...	49
o — o^1	Llanycil ...	241 246 247 248 249 251
	In the rural district of Runcorn—	
a — b	Norton ...	24 27 28

(2) Notwithstanding anything in subsection (1) of this section where a road bridleway or footpath is diverted the existing public highway shall not be stopped up under the powers of this section until the new road bridleway or footpath to be substituted therefor is completed to the satisfaction of the highway authority and is open for public use or in the case of difference between the Corporation and the highway authority until the Minister of Transport and Civil Aviation shall have certified that the new road bridleway or footpath has been completed to his satisfaction and is open for public use:

Provided that the Corporation shall not be required under this section to construct or complete any new road bridleway or

PART II —*cont.*

footpath to a greater width or better standard than the road bridleway or footpath for which such new road bridleway or footpath is substituted.

(3) As from the date of completion to the satisfaction of the highway authority of any such diverted road bridleway or footpath or as from the date of the said certificate (as the case may be) all rights of way over or along the portion of the road bridleway or footpath so stopped up shall be extinguished and the Corporation may appropriate and use for the purposes of the undertaking the site and soil thereof so far as they are owners of the land on both sides thereof.

(4) Except as otherwise provided in section 11 (Vesting and maintenance of roads) of this Act in the case of the road diversion (Work No. 9) any road bridleway or footpath diverted under the powers of this Act shall be repairable by the authority or person by which or by whom it was repairable before its diversion and be subject to the same public rights of way as were exercisable over the road bridleway or footpath before its diversion.

Temporary stoppage of roads bridleways and footpaths.

10.—(1) The Corporation during and for the purpose of the execution of the works authorised by this Act may temporarily stop up and divert and interfere with any road bridleway or footpath and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building abutting on the road bridleway or footpath from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot-passengers bona fide going to or from any such land house or building.

(3) The Corporation shall not exercise the powers of this section—

(*a*) as respects any trunk road without giving to the Minister of Transport and Civil Aviation reasonable notice of the times at which interference with the trunk road is intended to take place and complying with such reasonable conditions as he may require; or

(*b*) as respects any other road without the consent of the highway authority but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the said Minister.

Vesting and maintenance of roads.

11.—(1) The road diversion (Work No. 9) and the new road (Work No. 11) respectively except so much thereof as is referred to in subsection (2) of this section shall each when completed be maintained and repaired by and at the expense of the Corporation for a period of one year from the completion and opening thereof respectively for public use and at the expiration of that period shall

subject to the provisions of this section vest in and be maintained and repaired by and at the expense of the Merionethshire County Council.

(2) So much of the new road (Work No. 11) as shall be carried over the embankment or dam of the Tryweryn reservoir (Work No. 1) shall be maintained and repaired by and at the expense of the Corporation for a period of fifteen years from its completion and opening for public use and at the expiration of that period the surface of the said road shall vest in and be maintained by and at the expense of the Merionethshire County Council.

(3) If after the expiration of the said period of fifteen years the surface of the new road (Work No. 11) where it is carried over the embankment or dam as aforesaid shall be damaged in consequence of any act or default of the Corporation the cost of making good such damage shall be repayable by the Corporation to the Merionethshire County Council.

Period for completion and capacity of Tryweryn

12.—(1) If the Tryweryn reservoir (Work No. 1) is not completed within the period expiring on the thirty-first day of March nineteen hundred and sixty-seven then on the expiration of that period the powers granted by this Act to the Corporation for the making of the said work or otherwise in relation thereto shall cease except as to so much thereof as shall then be constructed:

Provided that subject to the provisions of this Act the Corporation may after the completion of the said reservoir alter reconstruct or renew it as and when occasion may require.

(2) For the purposes of this Act the Tryweryn reservoir (Work No. 1) shall be deemed not to have been completed unless and until it has been constructed to have a capacity of not less than sixteen thousand two hundred million gallons and unless and until the construction of the conduit or catchwater and intakes (Work No. 2) has been completed.

(3) On the application of the Corporation the Minister may by order extend the period referred to in subsection (1) of this section.

(4) Until the Tryweryn reservoir (Work No. 1) has been completed the Corporation shall not under the powers of this Act take use or appropriate water for the purposes of the undertaking from the said reservoir or by means of either Work No. 2 or Work No. 3.

Period for completion of Work No. 10.

13. If the railway diversion (Work No. 10) is not completed within the period expiring on the thirty-first day of December nineteen hundred and sixty-seven then on the expiration of that period the powers granted by this Act to the Corporation for the making and completing of the said work or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

PART II —*cont.*

Power to enter into agreements with commission.

14.—(1) The Corporation and the commission may enter into and carry into effect agreements with regard to the construction maintenance and operation of the railway diversion (Work No. 10) and the acquisition of lands or easements therefor and the defraying or making of contributions towards the cost of such construction maintenance operation and acquisition (including the payment by the commission of any additional cost which may be incurred in constructing maintaining or operating the said railway diversion to a better standard than the existing railway to be diverted) and with regard to any other matters relating to such acquisition or to the said railway diversion.

(2) The commission may subject to and in accordance with the terms of any such agreement exercise the powers of this Act with respect to the construction of the said railway diversion or any part thereof.

Works to form part of undertaking.

15. The works authorised by this Act shall for all purposes form part of the undertaking:

Provided that the road diversion (Work No. 9) and the railway diversion (Work No. 10) shall cease to form part of the undertaking as from the respective dates on which they vest in the Merionethshire County Council or the commission and the portions of the new road (Work No. 11) mentioned in section 11 (Vesting and maintenance of roads) of this Act shall cease to form part of the undertaking as from the respective dates on which such portions vest in the Merionethshire County Council.

Power to take waters of the Afon Tryweryn and other rivers and streams.

16.—(1) Subject to the provisions of this Act the Corporation may collect intercept impound take use divert and appropriate for the purposes of the undertaking the waters of the Afon Tryweryn and all such other waters rivers streams springs tributaries and feeders as may be taken and intercepted by means of the Tryweryn reservoir (Work No. 1) the conduits or catchwaters and intakes (Works Nos. 2 and 3) and the stream improvements (Works Nos. 4 and 12) and may raise or lower or regulate the water or the level of the flow of water in the said rivers streams springs tributaries feeders or any of them to such an extent as may be necessary for the purpose of the construction or operation of the works authorised by this Act or other the purposes of this Act.

(2) Notwithstanding anything in the last foregoing subsection the quantities of water to be collected intercepted taken and diverted by means of the conduits or catchwaters and intakes (Works Nos. 2 and 3) shall be regulated by the Corporation in accordance with any general directions which may be issued from time to time by the river board under and in accordance with the provisions of section 22 (Unified control of Bala lake and Tryweryn reservoir) of this Act.

(3) For the purpose of measuring the rate of flow of the quantities of water to be collected intercepted impounded taken

PART II —*cont.*

used and diverted under this section the Corporation shall construct and maintain at such points on such of the said rivers streams feeders conduits or catchwaters as are referred to in subsection (1) of this section as may be agreed between the Corporation and the river board or in default of agreement determined by the Minister such automatically recording measuring gauges as may be so agreed or in default of agreement so determined over or through which the said quantities of water shall flow.

Compensation water.

17. During the first filling and after the completion of the Tryweryn reservoir (Work No. 1) the Corporation shall discharge into the Afon Tryweryn at a point therein situated not more than two hundred yards below the foot of the embankment or dam of the said reservoir a quantity of water in a uniform and continuous flow at a rate of not less than seven million gallons per day during the months from October to March in each year and of not less than fourteen million gallons per day during the months from April to September in each year as measured at the gauge constructed and maintained in pursuance of section 20 (Gauging discharge of water) of this Act.

Restriction on taking water by catchwaters.

18. The Corporation shall so construct and maintain the conduit or catchwater and intakes (Work No. 3) as to secure that no water shall be abstracted by means thereof from the river or stream mentioned in the first column of the next following table when the flow of water in such river or stream immediately below the point at which any intake is situated in any such river or stream or at the point of commencement of the conduit or catchwater in such river or stream (as the case may be) is less than the rate of flow prescribed in respect of that river or stream in the second column of that table:—

River or stream 1	Prescribed flow expressed in gallons of water per day 2
Afon Erwent	140,000
Tributary of the Afon Dylo	50,000
Tributary of the Afon Llafar	180,000
Nant-hir	60,000

Discharge of water.

19.—(1) The Corporation shall discharge from the Tryweryn reservoir (Work No. 1) into the Afon Tryweryn such quantity of water as is required to comply with the general directions of the river board given under and in accordance with the provisions of section 22 (Unified control of Bala lake and Tryweryn reservoir) of this Act.

(2) Nothing in this section shall prejudice or affect the obligations of the Corporation under section 17 (Compensation water) of this Act.

PART II —*cont.*

Gauging discharge of water.

20. For the purpose of measuring the rate of flow of the quantity of water which the Corporation are required to discharge from the Tryweryn reservoir (Work No. 1) into the Afon Tryweryn under the provisions of section 17 (Compensation water) and section 19 (Discharge of water) of this Act the Corporation shall construct and maintain at such point below the point of discharge referred to in the said section 17 as is as near as is reasonably practicable to the foot of the embankment or dam of the said reservoir as may be agreed between the Corporation and the river board or in default of agreement as may be determined by the Minister such automatically recording measuring gauge as shall be approved by the river board over or through which the said quantity of water shall flow.

Power to take water from river Dee.

21.—(1) Subject to the provisions of this Act the Corporation may after the completion of the Tryweryn reservoir (Work No. 1) take and divert by means of the intake and aqueduct or line or lines of pipes (Work No. 15) and use and appropriate for the purposes of the undertaking water from the river Dee.

(2) (*a*) The Corporation may so take and divert in any day a quantity of water not exceeding sixty-five million gallons:

Provided that if the flow of water in the river Dee as measured at the Erbistock gauging station of the river board is less than a prescribed flow of one hundred and fifty million gallons in any day and the amount of the deficiency has been notified by the river board to the Corporation before noon on the day next following the quantity of water which the Corporation may so take and divert on the said day next following shall be reduced by two and one-half per cent for each complete million gallons of the said deficiency so however that this proviso shall have effect only at such times as the river board are operating the Bala lake works and the control sluices or appliances in connection therewith in accordance with the general directions for the time being in force under section 22 (Unified control of Bala lake and Tryweryn reservoir) of this Act.

(*b*) Notwithstanding anything in the foregoing provisions of this section the Corporation shall not take or divert water under the powers of this section when the level of the water in the river Dee immediately above Chester weir is below the level of 13·85 feet above ordnance datum (Liverpool).

(3) During the construction of the Tryweryn reservoir (Work No. 1) and works connected therewith the Corporation may take from the Afon Tryweryn within the limits of deviation shown on the deposited plans such water as they may require for the mixing of concrete and other processes carried on in connection with the construction of the said reservoir and works.

(4) (*a*) After the expiration of the period of ten years from the completion of the Tryweryn reservoir (Work No. 1) the river board and the Corporation severally or either of them may

PART II —*cont.*

from time to time apply to the Minister for orders under the Water Acts 1945 and 1948 varying the prescribed flow and the quantity of water which the Corporation are from time to time authorised to abstract from the river Dee or either such flow or such quantity.

(*b*) Nothing in this section shall prejudice or affect the rights of the Corporation to apply for any order under the Water Acts 1945 and 1948.

Unified control of Bala lake and Tryweryn reservoir.

22.—(1) (*a*) The Bala lake works and the control sluices or appliances in connection therewith shall be operated by the river board; and

(*b*) Subject to the provisions of section 17 (Compensation water) of this Act the discharge of water from the Tryweryn reservoir (Work No. 1) during the construction and after the completion of that reservoir shall be regulated by the Corporation;

in accordance with the general directions to be issued from time to time by the river board:

Provided that until the commencement of an order first made by the Minister after the passing of this Act on an application made under paragraph (*a*) of subsection (4) of section 21 (Power to take water from river Dee) of this Act such directions shall not prejudice the supply of such quantity or quantities of water from the said reservoir as the Corporation may in pursuance of any agreement or determination made under subsection (1) of section 27 (Supply of water from Tryweryn reservoir) of this Act be required to supply.

(2) These directions shall as nearly as may be ensure maintenance of the prescribed flow at the Erbistock gauging station of the river board whilst having due regard to the following purposes:—

(*a*) mitigating flooding;

(*b*) securing that there will be a sufficient quantity of water in the river Dee to enable the commission to take from the said river into their Shropshire Union Canal by means of the sluices and other works in the parish of Llantysilio in the county of Denbigh a quantity of water not in excess of the limitation imposed by section 4 (Limitation on abstraction of water from the river Dee) of the London Midland and Scottish Railway Act 1944 (as amended by section 12 (Supply of water from Shropshire Union Canal) of the British Transport Commission Act 1954);

(*c*) enabling such authorities bodies and persons as may for the time being be authorised to take water from the river Dee for the purposes of their undertakings to abstract such a quantity of water as they may be authorised to abstract;

(*d*) safeguarding the fisheries;

PART II —*cont.*

(*e*) securing that there will be in dry weather a sufficient flow of water in the river Dee at Llangollen to protect the interests of the owners of the Llangollen Mill the Mile End Mill and the Dee Flannel Mills.

(3) (*a*) As from the passing of this Act the consultative committee established by section 6 (Operation of Bala sluices and Bala lake works) of the Dee and Clwyd River Board Act 1951 shall be reconstituted as follows for the purpose of assisting the river board in the making of such general directions as are referred to in this section:—

Body represented	Number of representatives
The river board	3
The lord mayor aldermen and citizens of the city of Liverpool	1
The mayor aldermen and burgesses of the county borough of Birkenhead	1
The mayor aldermen and burgesses of the county borough of Wallasey	1
The Llangollen Urban District Council	1
The Mid and South East Cheshire Water Board ...	1
The West Cheshire Water Board	1
The Wrexham and East Denbighshire Water Company ...	1
The Chester Waterworks Company	1
The commission	1

(*b*) The meetings of the said committee shall be convened by the river board and shall be held at such intervals as the committee may decide and shall be convened upon the request in writing to the river board of any of the said bodies.

(4) General directions to be issued by the river board under this section for the purposes of subsection (1) of this section and subsection (2) of section 16 (Power to take waters of the Afon Tryweryn and other rivers and streams) of this Act shall be subject to the reasonable approval of each of the bodies represented on the consultative committee and except as provided in subsection (6) of this section shall not come into operation until notice of approval has been given to the clerk of the river board on behalf of each of such bodies:

Provided that if any such general directions be not disapproved by any such body within two months of receipt by such body of notice of the making thereof such general directions shall be deemed to be approved.

(5) Any general directions for the time being in force shall be reconsidered and revised whenever reasonably so required by any of the said bodies.

(6) In cases of emergency general directions issued by the river board under this Act shall come into operation as from the date of issue but shall be annulled if they are not approved under the provisions of this section by each of the bodies represented on the consultative committee within three months after the date of issue:

PART II —*cont.*

Provided that notwithstanding the subsequent annulment of any general directions issued under this subsection such directions shall be deemed to be valid and of full force and effect between the date of issue and that on which the river board are first notified by one of the bodies represented on the consultative committee that the directions are not approved by that body.

(7) Any difference or dispute in regard to the said general directions or the revision thereof shall be referred to and determined by arbitration.

(8) As from the passing of this Act section 6 of the Dee and Clwyd River Board Act 1951 and subsection (3) of section 9 (Amendments of Act of 1951) of the Birkenhead and Wallasey Water Order 1952 are hereby repealed and section 8 (As to variation of Act and scheduled agreement) of the said Act of 1951 shall be read and have effect as if for the words " the provisions of this Act " there were substituted the words " the provisions of the Liverpool Corporation Act 1957 " and as if for the reference to the said section 6 there were substituted a reference to this section.

Further power to take water from river Dee.

23.—(1) Notwithstanding anything in the foregoing provisions of this Act but subject to the provisions of this section the Corporation may after the construction of so much of the intake and aqueduct or line or lines of pipes (Work No. 15) the treatment works (Work No. 17) and the aqueduct or line or lines of pipes (Work No. 19) as may be required therefor and of any necessary works in connection therewith take and divert by means of the said intake and aqueduct or line or lines of pipes (Work No. 15) and use and appropriate for the purposes of the undertaking the waters of the river Dee:

Provided that the Corporation shall not under the powers of this section take and divert in any day a quantity of water greater than the aggregate of the surplus quantities made available to the Corporation under any agreement or agreements entered into under subsection (2) of this section.

(2) The Corporation and each of the undertakers mentioned in subsection (3) of this section may enter into and carry into effect an agreement or agreements—

(*a*) for the taking by the Corporation from the river Dee of quantities of water (in this section referred to as the " surplus quantities ") not exceeding the quantities by which the several respective maximum daily quantities which those of the said undertakers who shall enter into any such agreement with the Corporation are authorised by any enactment to take from the river Dee exceed the several respective daily quantities which those said undertakers are from time to time taking from the river Dee; and

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(*b*) for the payment by the Corporation to those of the said undertakers who shall enter into any such agreement as aforesaid of such amounts as may be so agreed including (where applicable) sums in respect of so much of the contributions as are attributable to the surplus quantities paid or payable by those said undertakers under clauses 4 and 5 of the scheduled agreement or under any enactment varying altering or amending the said clauses 4 and 5.

(3) The undertakers referred to in subsection (2) of this section are the following:—

the mayor aldermen and burgesses of the county borough of Birkenhead;

the mayor aldermen and burgesses of the county borough of Wallasey;

the Llangollen Urban District Council;

the Mid and South East Cheshire Water Board;

the West Cheshire Water Board;

the Wrexham and East Denbighshire Water Company.

(4) In the event of the Corporation entering into an agreement under this section with the Wrexham and East Denbighshire Water Company—

(*a*) the quantity of water which the Corporation shall be authorised to take from the river Dee in respect of that company shall not exceed one-half of the surplus quantity available to that company at the date when the agreement is entered into; and

(*b*) the said agreement shall have effect as if it contained a provision requiring the Corporation to pay to the river board under clause 5 of the scheduled agreement a contribution of seventeen shillings and sixpence in respect of each one million gallons of the quantity of water abstracted by the Corporation in pursuance of the agreement with the said company and the said contribution shall for the purposes of section 8 (As to variation of Act and scheduled agreement) of the Dee and Clwyd River Board Act 1951 be deemed to be a contribution under the said clause 5.

(5) The taking of water from the river Dee by the Corporation under the powers of this section shall in respect of any surplus quantity be subject in all respects to any conditions restrictions or provisions affecting the undertakers empowered by any enactment (other than this Act) to take such surplus quantity and any such conditions restrictions or provisions relating to any surplus quantity taken by the Corporation under the powers of this

PART II —*cont.*

section shall in relation to such surplus quantity have effect as if the Corporation were named therein in place of the undertakers concerned thereby and as if the intake and aqueduct or line or lines of pipes (Work No. 15) were therein referred to in place of the works by which such undertakers are authorised to take such surplus quantity.

(6) Any agreement entered into under this section shall be subject to the approval of the river board and of each of the undertakers referred to in subsection (3) of this section but the said board and the said undertakers shall not unreasonably withhold their approval and any question whether any such approval is or is not unreasonably withheld shall be determined by the Minister.

(7) On the completion of the first filling of the Tryweryn reservoir (Work No. 1) or at the expiration of a period of ten years from the passing of this Act (whichever first occurs) this section shall cease to have effect and notwithstanding the provisions of section 38 of the Interpretation Act 1889 any agreement entered into under the powers of this section shall to such extent as it relates to any surplus quantity made available to the Corporation thereupon determine:

Provided that on the application of the Corporation the Minister may by order extend the period of ten years referred to in this subsection so however that any order so made by the Minister shall cease to have effect on the completion of the first filling of the said reservoir.

Gauge at Huntington.

24. For the purpose of measuring the quantity of water abstracted from the river Dee by means of the intake and aqueduct or line or lines of pipes (Work No. 15) (whether such abstraction is in pursuance of the powers conferred on the Corporation by section 21 (Power to take water from river Dee) of this Act or in pursuance of an agreement entered into under section 23 (Further power to take water from river Dee) of this Act) the Corporation shall construct and maintain at such point on Work No. 15 as may be agreed between the Corporation and the river board or in default of agreement determined by the Minister such automatically recording measuring gauge as may be so agreed or in default of agreement so determined over or through which the said quantity of water shall flow.

Provisions applicable to foregoing sections of Act.

25.—(1) If the Corporation—

(*a*) fail to construct or maintain in good order the gauges referred to in subsection (3) of section 16 (Power to take waters of the Afon Tryweryn and other rivers and streams) section 20 (Gauging discharge of water)

PART II —*cont.*

and section 24 (Gauge at Huntington) of this Act or refuse to allow any person interested to inspect and examine any of the said gauges or any records made thereby or kept in connection therewith or to take copies of any such records; or

(*b*) fail to comply with the requirements of section 17 (Compensation water) of this Act with respect to the discharge of compensation water or with the provisions of section 18 (Restriction on taking water by catchwaters) of this Act relating to the construction and maintenance of the works referred to in that section or with any general directions of the river board given under section 22 (Unified control of Bala lake and Tryweryn reservoir); or

(*c*) take any water from the river Dee contrary to the provisions of section 21 (Power to take water from river Dee) or section 23 (Further power to take water from river Dee) of this Act;

they shall without prejudice to their civil liability (if any) to a person aggrieved be liable in the case of an offence under paragraph (*a*) of this subsection on summary conviction to a fine not exceeding fifty pounds in respect of each day on which the offence has been committed or has continued and in the case of an offence under paragraph (*b*) or paragraph (*c*) of this subsection—

(i) on summary conviction to a fine not exceeding fifty pounds in respect of each such day; and

(ii) on conviction on indictment to a fine not exceeding five hundred pounds in respect of each such day or in respect of each such offence (as the case may be):

Provided that the Corporation shall not be under any liability under the foregoing provisions of this section in respect of any such failure as is therein referred to if such failure is due to frost or unavoidable accident or other unavoidable cause.

(2) Subject to the provisions of section 65 (Making good diminution in water supplies used for domestic or agricultural purposes) of this Act the provisions of the said section 17 and the said section 21 of this Act and the foregoing provisions of this section shall be accepted and taken by all persons interested as full compensation for all water impounded by the Tryweryn reservoir (Work No. 1) and for all water taken and diverted from the river Dee under the powers of the said section 21 of this Act.

(3) For the purposes of this section the river board shall be deemed to be interested in the flow of water in and in the discharge of water into any river or stream within their area or any stream

feeding such a river or stream and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such river or stream.

PART II —*cont.*

General provisions relating to orders.

26.—(1) The provisions of Part I of the First Schedule to the Water Act 1945 shall apply to any order to which this section applies and any such order shall in the circumstances specified in paragraph 8 of the said schedule be subject to special parliamentary procedure.

(2) For the purposes of any application for an order to which this section applies—

(*a*) the area affected by the order shall be deemed to include the area within the jurisdiction of the river board the limits of supply and the limits within which all the undertakers who have contributed to the cost of the Bala lake works are authorised to supply water; and

(*b*) the proviso (*a*) to subsection (1) of section 33 of the Water Act 1945 shall not apply in relation to such part of the prescribed flow as comprises the compensation water required to be discharged under section 17 (Compensation water) of this Act.

(3) This section applies to any order which the Minister is authorised to make in pursuance of the powers in that behalf conferred on him by the following provisions of this Act:—

Subsection (3) of section 12 (Period for completion and capacity of Tryweryn reservoir);

Paragraph (*a*) of subsection (4) of section 21 (Power to take water from river Dee);

The proviso to subsection (7) of section 23 (Further power to take water from river Dee).

Supply of water from Tryweryn reservoir.

27.—(1) Subject to the provisions of this Act the Corporation shall supply water in bulk from the Tryweryn reservoir (Work No. 1) on such terms and conditions as may be agreed or in default of agreement determined by the Minister to such authorities bodies or persons within the administrative counties of Merioneth or Denbigh as may by notice to the Corporation require such supply:

Provided that—

(*a*) the Corporation shall not supply water from the said reservoir under this section except with the consent of the river board and (if that consent is given subject to conditions) except on such terms and conditions as may be necessary to give effect to such conditions; and

(*b*) the Corporation shall not be required to supply water for any premises under this section except with the consent of the local authority of the district in which and (where the local authority are not the statutory water undertakers) of the statutory water undertakers within whose limits of supply those premises are situate.

PART II —*cont.*

(2) Where the Corporation are in pursuance of any agreement or determination made under subsection (1) of this section required to supply any quantity or quantities of water from the Tryweryn reservoir (Work No. 1) then until the commencement of an order first made by the Minister after the passing of this Act on an application made under paragraph (*a*) of subsection (4) of section 21 (Power to take water from river Dee) of this Act varying the prescribed flow or the quantity of water which the Corporation are authorised to abstract from the river Dee under the said section 21 the said quantity of water last mentioned shall be reduced by an amount equal to the quantity or to the aggregate quantities which the Corporation are so required to supply and after the commencement of such order as aforesaid such variation of the prescribed flow and of the quantity of water which the Corporation are from time to time authorised to abstract from the river Dee as provided in the said section 21 or of either such flow or such quantity shall be made consequent on the provision of a supply or supplies of water by the Corporation under this section as the Minister shall in such order as aforesaid or may from time to time after the commencement of such order by any order made on the application of the river board under the said paragraph (*a*) of subsection (4) of section 21 of this Act determine.

(3) Until the commencement of such order first made by the Minister after the passing of this Act as is referred to in subsection (2) of this section the Corporation shall not be required to supply under this section a greater aggregate quantity of water than five million gallons in any day.

(4) The Corporation shall not incur any liability in respect of a failure to supply water under this section if the failure is due to frost drought unavoidable accident or other unavoidable cause or the execution of necessary works.

(5) Nothing in this section shall prejudice or affect the powers of the Minister under subsection (3) of section 12 of the Water Act 1945.

(6) Any consent required under the proviso to subsection (1) of this section shall not be unreasonably withheld and any question whether or not such consent is unreasonably withheld or whether or not any condition subject to which such consent is given is unreasonable shall be determined by the Minister.

Power to dredge etc.

28.—(1) Subject to the provisions of this Act the Corporation may within the limits of deviation shown on the deposited plans of Works Nos. 1 to 4 and 9 to 12 from time to time deepen dredge scour excavate by blasting or otherwise remove obstructions from any portion of the beds banks and channels of any rivers and streams to such extent as they may deem necessary for regulating the flow of water into in or out of the rivers and streams and for other the purposes of this Act.

PART II —*cont.*

(2) All rock sand mud and other materials dredged up or removed shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit.

(3) The Corporation may enter into and carry into effect agreements with the owners of lands abutting on and other persons interested in any rivers or streams for and with respect to the execution of works and the alteration modification or removal of any weirs or obstructions to the flow of water into in or out of such rivers and streams.

Power to divert rivers streams etc.

29.—(1) It shall be lawful for the Corporation to divert and alter the course of any river stream watercourse or ditch on any lands acquired by them under this Act for the purposes of the works authorised by this Act and the existing bed banks and channel of the diverted portion of any such river stream watercourse and ditch together with all riparian rights shall by virtue of this Act vest in the Corporation and may be appropriated and used by the Corporation for the purposes of or in connection with those works:

Provided that the Corporation shall not (otherwise than in carrying out the stream improvements (Works Nos. 4 and 12) alter the course of any river stream or watercourse or ditch which flows under through or alongside a railway of the commission or any road vested in the Merionethshire County Council without obtaining the consent of the commission or of the Merionethshire County Council (as the case may be) which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall make compensation to all persons for damage sustained by them or any liability to which they may become subject by reason of the exercise of those powers and any difference as to the amount of the compensation to be paid shall be determined by arbitration.

(3) The provisions of this section shall be in addition to and not in substitution for or in derogation of any other provision of this Act relating to the diversion of rivers streams watercourses or ditches.

(4) This section shall not apply to any river stream or watercourse (other than the Afon Tryweryn and the Afon Lliw) for the time being forming part of a main river (as defined in the Land Drainage Act 1930) of the river board.

Application of section 145 of Local Government Act 1933.

30. The provisions of section 145 of the Local Government Act 1933 shall apply with respect to the alteration of any watercourse under the powers of the last foregoing section as if the alteration was done in the exercise of powers conferred by the Land Drainage Act 1930.

PART II —*cont.*

Restrictions on discharge from Work No. 17 into river Dee.

31. Section 7 of the Rivers (Prevention of Pollution) Act 1951 shall apply to the discharge of any effluent from the treatment works (Work No. 17) by the waste water conduit or line or lines of pipes (Work No. 18) or by any other means into the river Dee as if such discharge were a discharge of trade or sewage effluent and the said work and any other work by means of which it is proposed to discharge the effluent from the said treatment works into the river Dee were a new or altered outlet for the discharge of trade or sewage effluent.

Accommodation for workmen employed on construction of works.

32. The Corporation shall provide and maintain or cause to be provided and maintained for the workmen employed in and about the construction of the works authorised by this Act such accommodation and such arrangements for meals as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation for such workmen.

PART III
LANDS

Power to acquire lands.

33.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Act for the purpose of obtaining access thereto for the purpose of preserving the purity of the waters which may be taken thereby or otherwise for the purposes of the undertaking or for the purpose of rehousing persons displaced under the provisions of this Act.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of five years from the first day of October nineteen hundred and fifty-seven.

Correction of errors in deposited plans and book of reference.

34.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the place where the land is situated for the correction thereof.

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

PART III —*cont.*

(3) If the land is situated in the city or in the county borough of St. Helens such certificate or a copy thereof shall be deposited with the town clerk or the town clerk of the county borough of St. Helens (as the case may be) and if the land is situated in an administrative county such certificate or a copy thereof shall be deposited with the clerk of the county council and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting in such county with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

Acquisition of part only of certain properties.

35.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the Lands Tribunal determines—

(*a*) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(*b*) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the Lands Tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

Power to expedite entry.

36. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act or in respect of any easement or right in any such land but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Corporation may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice or enter on the land in respect of which the easement or right

PART III —*cont.*

is to be acquired (as the case may be) without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section or for the easement or right acquired and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

37.—(1) Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Corporation not less than seven days before the first entry and not less than twenty-four hours before any subsequent entry have given notice to the owner and occupier of the land.

(2) Any power conferred by this section to survey land shall include power to make trial borings for the purpose of ascertaining the nature of the soil:

Provided that no works authorised by this subsection shall be carried out unless notice of the intention to carry out the same has been included in the notice required under subsection (1) of this section.

(3) If any land on which works are carried out under subsection (2) of this section is not acquired by the Corporation the Corporation shall make good and restore the surface of the land and make compensation to the owner and occupier thereof for any damage sustained by such owner or occupier by reason of the carrying out of such works such compensation being determined in case of dispute by the Lands Tribunal.

(4) The Corporation shall not exercise the powers of this section in respect of any lands belonging to the commission and used for the purposes of their undertaking except with the consent of the commission which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

Disregard of recent improvements and interests.

38. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the Lands Tribunal shall not take into account—

(*a*) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-six; or

(*b*) any interest in the land created after the said date;

which in the opinion of the Lands Tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

PART III —*cont.*

Power to acquire easements only.

39.—(1) (*a*) Instead of acquiring any land which may be acquired under this Act the Corporation may for the purposes of constructing using and maintaining so much of the works authorised by this Act as will be constructed underground or of obtaining access to the works authorised by this Act and doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes.

(*b*) For the purposes of this section a work shall be deemed to be underground although apparatus or conveniences connected therewith are partly on the surface.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Corporation have acquired an easement or right only in any land under this section—

(*a*) they shall not be required or (except by agreement or during the execution of the said works) entitled to fence off or sever that land from the adjoining land; and

(*b*) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this Act had not been passed.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the Lands Tribunal determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house and if the Lands Tribunal does not so determine the Corporation may acquire the land compulsorily after the expiration of the period mentioned in section 33 (Power to acquire lands) of this Act but not later than one year after the determination of the Lands Tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section in cases to which that subsection applies.

Agreements with adjoining owners.

40.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the works authorised by this Act or of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land.

PART III —*cont.*

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right so required.

Reinstatement of owners and occupiers.

41.—(1) If the owner or occupier of any land acquired by the Corporation under this Act so desires the Corporation shall so far as it is reasonably practicable for them to do so reinstate him elsewhere and the Corporation may for such purpose enter into and carry into effect an agreement or arrangement with any such owner or occupier with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

(3) Any difference arising under this section between the Corporation and any owner or occupier as to whether it is reasonably practicable for the Corporation to reinstate him and as to the extent of any such reinstatement shall be determined by a single arbitrator to be agreed upon between the Corporation and such owner or occupier or in default of agreement to be appointed by the President of the Royal Institution of Chartered Surveyors.

Allowances for displaced persons.

42.—(1) For the purpose of implementing subsection (3) of this section an advisory committee (hereinafter referred to as "the advisory committee") shall be established and shall meet as and when convened by the clerk of the Merionethshire County Council.

(2) The advisory committee shall consist of five persons two being elected members of and nominated by the Merionethshire County Council two being elected members of and nominated by the Corporation together with a chairman to be appointed by the President of the Royal Institution of Chartered Surveyors.

(3) The Corporation shall pay to any person displaced from any land acquired under this Act in the county of Merioneth such reasonable allowance as the advisory committee may recommend towards any loss or in respect of any personal hardship or disturbance which in their opinion he will sustain or be put to by reason of his having to quit such land.

(4) The provisions of this section shall be in addition to and not in derogation of any enactment or any rule of law relating to compensation for disturbance.

Dwelling-houses for employees and other buildings.

43.—(1) The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connection with the undertaking and may also erect maintain and let to such persons any houses and buildings upon any land for the time being belonging or leased to the Corporation.

PART III —*cont.*

(2) No power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or that other person.

Power to purchase additional lands by agreement.

44.—(1) The Corporation in addition to any other lands acquired or held by them in pursuance of this Act may by agreement purchase take on lease acquire and hold for the purposes of the undertaking (including the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are authorised to take and the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Act) any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Corporation deem necessary for those purposes:

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands.

(2) The Corporation 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 any foul waters arising or flowing upon such lands or necessary or proper for preventing the waters which the Corporation are authorised to take from being polluted.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation 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 Corporation are for the time being authorised to take.

PART IV

WATER SUPPLY

Temporary use of stand-pipes.

45.—(1) Where the Minister is satisfied that a serious deficiency in the supply of water exists or is threatened within the limits of supply he may on the application of the Corporation by order empower the Corporation to distribute water by means of stand-pipes in any street within such limits or by such other means as

PART IV —*cont.*

they think fit and to erect and maintain in any such street stand-pipes and any other apparatus for the distribution of water.

(2) If at any time during the period during which an order under this section is in force the Corporation determine to distribute water by means of stand-pipes or by any other means then as respects any part of the said period—

(*a*) the Corporation shall not be liable to any fine under subsection (5) of section 38 of the Water Act 1945 in respect of any failure to furnish or maintain a supply of water for domestic purposes; and

(*b*) the Corporation shall not be liable to any penalties under subsection (4) of section 27 of the Water Act 1945 for failure to maintain a supply of water for purposes other than domestic purposes.

(3) An order under this section shall continue in force for such period as may be specified therein without prejudice to the right of the Minister at any time to revoke or extend the order:

Provided that where an order ceases to have effect by the effluxion of time or revocation the Minister may make another order under this section.

(4) The Corporation shall so exercise the powers of this section as not to prevent or obstruct the access to or the use of any fire hydrant for fire-fighting purposes by a fire authority.

(5) If during the period during which an order under this section is in force any fire hydrant used by the Corporation for the purposes of this section is damaged (other than by a use for fire-fighting purposes or for any other purpose of a fire brigade) the Corporation shall be liable for the cost of repairing or replacing the hydrant incurred as the result of the damage.

Application of sections of Public Health Act 1936 to undertaking.

46. For the purposes of the supply of water by the Corporation the Corporation shall have the powers of and be subject to the like restrictions as a local authority under section 119 of the Public Health Act 1936 with respect to the laying and maintenance of water mains within or without their district and for the purpose of the exercise of the powers of that section by the Corporation the limits of supply shall be deemed to be their district:

Provided that in the exercise of the said powers the Corporation shall be subject to the provisions so far as they are applicable of subsections (1) (2) and (4) of section 278 and sections 331 to 334 of the Public Health Act 1936.

Supply of water where consumer ha separate supply.

47.—(1) Notwithstanding anything in the Third Schedule to the Water Act 1945 or in any other enactment a person shall not be entitled to demand or continue to receive for the purposes of a standby supply from the Corporation a supply of water for any premises having a separate supply of water unless he has

PART IV —*cont.*

agreed to pay to the Corporation such minimum annual sum as will provide a reasonable return on the capital expenditure incurred by the Corporation in affording such standby supply and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises and a charge per thousand gallons not exceeding twice the rate per thousand gallons from time to time charged by the Corporation for supplies for purposes other than domestic purposes calculated on the quantity of water actually taken at those premises by way of a standby supply.

(2) Any questions arising under this section as to the sum and charge to be paid in respect of any supply to which this section applies shall in default of agreement be referred to the Minister and the Minister may determine it himself or if he thinks fit refer it for determination by an arbitrator appointed by him.

(3) In this section the expression " standby supply " in relation to any premises means a supply of water which is available for those premises but which is not ordinarily used for supplying those premises.

As to premises deemed to be supplied with water.

48. Where the owner or occupier of any premises within the limits of supply which are not supplied with water by the Corporation habitually obtains for use in those premises water which has been supplied to other premises by the Corporation he shall pay to the Corporation such charges as he would be liable to pay if the premises owned or occupied by him were supplied with water by the Corporation.

Special readings of water meters.

49. Where the Corporation take the reading of any meter fixed in any premises at the request and for the convenience of any consumer at any time other than that of the periodical meter reading they may recover from such consumer the expenses reasonably incurred by them in so doing.

Power to recover charge for turning off and turning on in certain cases.

50. Where the occupier of any house having a separate supply of water gives notice to the Corporation for the discontinuance of the supply to such house without giving up possession and within a period of nine months thereafter requires the supply to be reconnected the Corporation may make a reasonable charge for turning off and turning on the supply of water to such house and for disconnecting and reconnecting such supply and such charge may be recovered summarily as a civil debt.

Cutting off communication pipes to prevent waste of water.

51. Where any house building or other premises are demolished or appear to the Corporation to be uninhabitable or in the case of premises other than a house remain unoccupied for a period of not less than one month and the Corporation have reason to think that waste of water is occurring or is likely to

PART IV —*cont.*

occur they may notwithstanding anything in section 38 of the Water Act 1945 cut off the communication pipe by which water was supplied to such house building or other premises:

Provided that—

(*a*) in any case where the Corporation think that waste is likely to occur and for that reason propose to cut off a communication pipe by which water was supplied to any house building or other premises which appear to them to be uninhabitable or to premises which have remained unoccupied for the period aforesaid they shall give notice of their intention to do so to the owner of the house building or premises and if within one week of the receipt of such notice the owner satisfies the Corporation that reasonable steps are being taken to render habitable the house building or premises or that the premises will be occupied within a reasonable period (as the case may be) the Corporation shall not cut off the communication pipe but may take such other action as they may consider necessary to prevent waste of water;

(*b*) the Corporation shall not exercise the powers of this section in relation to a communication pipe to which is connected a sprinkler system or other fire protection equipment dependent on pressure in a main without notice to the fire authority responsible under the Fire Services Act 1947 for the area in which the premises are situated.

Remission of water rates on grounds of poverty.

52. The Corporation shall have power to reduce or remit the payment of any sum due to them in respect of the supply of water on account of the poverty of any person liable for the payment thereof.

Guarantees in respect of supplies for new buildings.

53. Where in pursuance of section 37 of the Water Act 1945 the owner of any land requires the Corporation to construct any works for the purpose of affording supply to any new buildings which he proposes to erect the Corporation instead of requiring the owner to give an undertaking to pay in respect of each year such sum as is provided in paragraph (*a*) of the proviso to subsection (1) of the said section 37 may agree with him for the payment by him to the Corporation of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

As to meter rents.

54.—(1) Notwithstanding anything in section 35 of the Water Act 1945 if the Corporation so determine they shall not make any charge in respect of meter rent or meter hire.

PART IV —*cont.*

(2) Nothing in this section shall prejudice or affect any enactment or agreement from time to time authorising the Corporation to make a minimum charge in respect of any supply afforded by meter.

Obstructions to stopcocks valves and indicator boards etc.

55. Where any person has—

(*a*) covered over any stopcock or valve or has otherwise obstructed the means of access to any stopcock or valve; or

(*b*) caused or permitted any stopcock or valve to be covered over or the access thereto to be obstructed; or

(*c*) covered over damaged or removed any identification mark plate post or board installed by the Corporation for the location of any stopcock or valve or any support thereto; or

(*d*) caused or permitted any such identification mark plate post or board or support to be covered over damaged or removed;

the expense incurred by the Corporation in uncovering the stopcock or valve or removing the obstruction or uncovering repairing or replacing the identification mark plate post board or support shall be paid to the Corporation by that person and may be recoverable by the Corporation as a simple contract debt in any court of competent jurisdiction or in the case of any amount not exceeding twenty pounds summarily as a civil debt.

Authorisation of plumbers.

56.—(1) As from the appointed day any person authorised to execute any work in connection with water fittings by registration by the Corporation under the provisions of this section shall so long as he continues to be so authorised be deemed to have the consent of the Corporation for the purposes of section 68 of the Third Schedule to the Water Act 1945 as applied and incorporated in this Act but nothing in this section shall prejudice the power of the Corporation to give a consent under the said section 68 to any person who is not for the time being so authorised under the provisions of this section.

(2) Subject to the provisions of this section any person who—

(*a*) produces a certificate of registration by the Worshipful Company of Plumbers under the conditions appertaining to the national registration of plumbers or by any other body approved by the Minister for the purpose; or

(*b*) having served an apprenticeship to the plumbing trade shall satisfy the Corporation of his competence to carry out plumbing work in connection with water fittings;

and who shall have an established place of business and makes an application in that behalf and furnishes the Corporation with

PART IV —*cont.*

particulars of his name and place of business shall be registered by the Corporation in a book kept for that purpose (hereafter in this section called " the register ") and on so registering any person the Corporation shall issue to him a certificate of authorisation.

(3) (*a*) If the Corporation refuse to register any person under the last foregoing subsection they shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(*b*) Any person aggrieved by the refusal of the Corporation to register him under the last foregoing subsection may appeal to a magistrates' court.

(*c*) A notice given under paragraph (*a*) of this subsection shall state the effect of paragraphs (*a*) and (*b*) of this subsection.

(4) (*a*) The Corporation may register the name of any employer in the register if he undertakes to accept full responsibility for all work carried out by any person employed by him in connection with water fittings and issue to such employer a certificate of authorisation and for the purposes of subsection (1) of this section the employer and any person employed by him in connection with water fittings shall be deemed to have such consent as is referred to in the said subsection (1).

(*b*) Any employer aggrieved by the refusal of the Corporation to register him under this subsection may appeal to a magistrates' court.

(5) Any person registered under the foregoing provisions of this section who fails to comply with any enactment relating to plumbing and water fittings shall be liable to have his authorisation suspended or cancelled by order of a magistrates' court.

(6) Where the authorisation of any person is cancelled by order of a court under the last foregoing subsection—

(*a*) he shall within seven days deliver up to the Corporation his certificate of authorisation and if he fails to do so he shall be liable to a penalty recoverable on summary conviction not exceeding twenty shillings and to a daily penalty not exceeding ten shillings; and

(*b*) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a magistrates' court made on his application.

(7) It shall be the duty of the Corporation to give effect to any order of the court under this section and in particular to issue any necessary certificate and to make any necessary entry in the register.

PART IV —*cont.*

(8) Notwithstanding the foregoing provisions of this section the Corporation shall enter the name of the North Western Gas Board in the register on the said board's undertaking with the Corporation that the said board will employ on any work in connection with water fittings persons competent to carry out plumbing work.

(9) In this section the expression " the appointed day " means such day as may be fixed by resolution of the council subject to and in accordance with the following provisions of this section.

(10) The Corporation shall cause to be published in a local newspaper circulating within the limits of supply notice—

(*a*) of the passing of any such resolution and of the date fixed thereby; and

(*b*) of the general effect of the provisions of this section;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(11) Either—

(*a*) a copy of any such newspaper containing any such notice; or

(*b*) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

Byelaws as to testing etc. of water fittings.

57.—(1) In addition to the powers of the Corporation to make byelaws under section 17 of the Water Act 1945 the Corporation may in connection with the supply and use of water within the limits of supply for domestic purposes make byelaws—

(*a*) as to the testing and stamping of taps cocks valves ferrules flushing cisterns and other similar apparatus prior to the installation thereof;

(*b*) prescribing charges for such testing and stamping.

(2) The Corporation may also make byelaws as to the matters referred to in subsection (1) of this section in connection with the supply and use of water within the limits of supply for purposes other than domestic purposes.

(3) Subsections (3) and (4) of section 17 section 19 (other than paragraph (*b*) of subsection (6) thereof) and section 20 of the Water Act 1945 shall apply to byelaws made under subsection (1) or subsection (2) of this section and such byelaws shall be deemed to be byelaws made under the said section 17.

PART IV —*cont.*

(4) Any person who forges or counterfeits any stamp or mark used by the Corporation in pursuance of this section or uses or supplies any water fitting marked with any such stamp or mark knowing it to be forged or counterfeited shall be liable to a penalty not exceeding twenty pounds.

Incorporation of provisions of Third Schedule to Water Act 1945.

58. From and after the passing of this Act—

(*a*) the following provisions of the Third Schedule to the Water Act 1945 shall apply to the undertaking and be incorporated with each of the local Acts and orders relating to the undertaking that is to say Part I sections 3 to 6 and 8 and 9 of Part II Parts IV to XI sections 60 to 65 and 67 to 70 of Part XIII Part XIV and Part XVI;

(*b*) the provisions of the Waterworks Clauses Acts 1847 and 1863 (except sections 69 to 73 of the Waterworks Clauses Act 1847 and section 21 of the Waterworks Clauses Act 1863) shall cease to apply to the undertaking and to be incorporated with the said local Acts and orders:

Provided that—

(i) the provisions of the Third Schedule to the Water Act 1945 specified in the first column of the First Schedule to this Act as so applied and incorporated by this section shall have effect subject to the modifications specified in the second column of the said First Schedule; and

(ii) for the purpose of the application of the provisions of the Third Schedule to the Water Act 1945 as so applied and incorporated by this section the whole of any service pipe provided for the purpose of affording a supply to any premises for extinguishing fires therein or provided for the purpose of affording a standby supply shall be deemed to be a supply pipe and no part thereof shall be deemed to constitute a communication pipe.

PART V

FINANCE

Power to borrow.

59.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so borrowed within such

PART V —*cont.*

periods as they may determine not exceeding those respectively mentioned in the third column of the said table:—

(1) Purpose	(2) Amount	(3) Period for repayment calculated from the date or dates of borrowing
	£	
(*a*) The construction of Works Nos. 1 9 10 and 11 (hereafter in this Act referred to as " Purpose No. 1 ")	4,320,500	Sixty years.
(*b*) The construction of Works Nos. 2 3 4 12 15 16 16A 17 18 19 21 22 23 25 and 26 (except machinery and sterilisation plant) (hereafter in this Act referred to as " Purpose No. 2 ")	12,191,470	Fifty years.
(*c*) The construction of Work No. 20 (hereafter in this Act referred to as " Purpose No. 3 ")	273,350	Forty years.
(*d*) The construction of Work No. 24 (hereafter in this Act referred to as " Purpose No. 4 ")	22,000	Thirty years.
(*e*) The construction of machinery and sterilisation plant forming part of Works Nos. 15 and 17 (hereafter in this Act referred to as " Purpose No. 5 ")	465,300	Fifteen years.
(*f*) The purchase of lands easements and rights for the works authorised by this Act (hereafter in this Act referred to as " Purpose No. 6 ")	487,880	Sixty years.
(*g*) The payment out of capital of interest on moneys borrowed for Purpose No. 1 Purpose No. 2 Purpose No. 3 Purpose No. 4 Purpose No. 5 and Purpose No. 6 in accordance with the provisions of section 60 (Payment of interest on moneys borrowed until completion of works) of this Act (hereafter in this Act referred to as " Purpose No. 7 ")	The sum requisite	In relation to Purpose No. 1 and Purpose No. 6 sixty years in relation to Purpose No. 2 fifty years in relation to Purpose No. 3 forty years in relation to Purpose No. 4 thirty years and in relation to Purpose No. 5 fifteen years.
(*h*) The general purposes of the undertaking including the provision and improvement of mains pipes filtration plant pumps and other works	1,000,000	Forty years.
(*i*) The payment of the costs charges and expenses of this Act	The sum requisite	Five years.

PART V —*cont.*

Provided that notwithstanding anything in this Act or in any other enactment it shall not be obligatory upon the Corporation to commence the repayment (by sinking fund or otherwise) of any moneys borrowed under this Act for Purpose No. 1 Purpose No. 2 Purpose No. 3 Purpose No. 4 Purpose No. 5 Purpose No. 6 or Purpose No. 7 until the works for or in respect of which such moneys are borrowed are brought into use or until the expiration of eight years from the date or dates of borrowing (or such longer period as the Minister may allow) whichever shall be the earlier.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

Payment of interest on moneys borrowed until completion of works.

60. Notwithstanding anything in this Act or in any other enactment the Corporation may pay interest on any moneys borrowed under this Act for Purpose No. 1 Purpose No. 2 Purpose No. 3 Purpose No. 4 Purpose No. 5 and Purpose No. 6 out of moneys borrowed under this Act for Purpose No. 7 but only until the completion of the Tryweryn reservoir (Work No. 1) or until the expiration of eight years from the date or dates of borrowing (or such longer period as the Minister may allow) whichever shall be the earlier.

Saving for powers of Treasury.

61. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the powers of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Further provisions as to supply of water in bulk.

62.—(1) Unless otherwise agreed by the Corporation any agreement for the supply of water in bulk entered into between the Corporation and any local authority company or person under section 56 (Power to supply Standish-with-Langtree Withnell Coppull and Shevington) or section 91 (Power of Corporation to supply water to local authorities and others) of the Liverpool Corporation Act 1921 and any agreement or order for the supply of water in bulk by the Corporation entered into or made under section 12 of the Water Act 1945 or any other enactment from time to time in force shall (so long as any loans incurred by the Corporation in respect of the undertaking are outstanding) provide that in addition to the sum to be paid to and received by the Corporation as their charges for the supply of water there shall also be paid

PART V —*cont.*

to the Corporation an initial qualifying capital sum in respect of capital expenditure incurred by the Corporation for the purposes of the undertaking and the amount of any such initial qualifying capital sum so paid to the Corporation shall be a capital payment made by way of contribution towards such capital expenditure and shall be applied by the Corporation towards the repayment of any loans incurred by them in respect of the undertaking.

(2) The Minister in the exercise of his powers under the said section 12 in connection with any such agreement or order shall have regard to the amount of such initial qualifying capital sum.

Effect on water rents of alteration in valuation list

63.—(1) Where under section 41 of the Local Government Act 1948 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of any water rent payable under section 95 (Rents for water) of the Liverpool Corporation Act 1921 have effect retrospectively as from the date as from which under section 42 of the Local Government Act 1948 it has effect for the purpose of calculating the amount due in respect of any general rate.

(2) Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 with respect to equal payments of such water rent any necessary adjustment shall be made in the instalments of the water rents current at the date from which the alteration in the valuation list is deemed to have had or has effect and any subsequent instalments thereof.

(3) If it is found that by reason of the foregoing provisions of this section too much or too little has been paid in respect of any water rent the difference shall be repaid or allowed or (as the case may be) shall be paid and may be recovered in the manner in which water rents are recoverable.

PART VI

MISCELLANEOUS

Removal of human remains from burial grounds.

64.—(1) If and when the Corporation shall acquire—

(*a*) the burial ground at Capel Celyn of the Calvinistic Methodist Church of Wales or the Presbyterian Church of Wales (hereinafter referred to as " the said Church ") which burial ground is vested in the properties board of the said Church as custodian trustee under and by virtue of the provisions of the Calvinistic Methodist or Presbyterian Church of Wales Act 1933; or

(*b*) the reputed burial ground of the Society of Friends at Capel Celyn;

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they shall unless otherwise agreed—

(i) in the case of the said burial ground of the said Church with the managing trustees of the burial ground pursuant to subsection (4) of section 8 (Existing property to vest in or be transferred to Board) of the Calvinistic Methodist or Presbyterian Church of Wales Act 1933; and

(ii) in the case of the said burial ground of the Society of Friends with the secretary of the Society of Friends;

before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed therefrom the remains of deceased persons interred therein.

(2) Any agreement between the Corporation and the said managing trustees of the said Church or between the Corporation and the secretary of the Society of Friends varying the obligations of the Corporation under this section with respect to the removal of the remains of deceased persons from any of the said burial grounds or any part thereof shall require the approval of the Secretary of State.

(3) Before entering into any such agreements the Corporation shall publish in accordance with the provisions of subsection (6) of this section notice under this subsection stating the effect of the proposed agreement.

(4) When any such agreement has been approved by the Secretary of State the Corporation shall before applying or using for any of the purposes of this Act any part of the burial ground to which such agreement relates or proceeding to take action in pursuance of such agreement publish in accordance with the said provisions of subsection (6) of this section notice under this subsection stating the effect of the agreement so approved.

(5) If no such agreement is made with respect to any of the said burial grounds or any part thereof the Corporation shall before proceeding to remove any remains from that burial ground or part thereof in pursuance of the powers of this section publish notice in accordance with the said provisions of subsection (6) of this section stating their intention to do so.

(6) Any notice published under the foregoing provisions of this section shall be published in one or more local newspapers circulating in the county of Merioneth at least once during each of two successive weeks with an interval between each publication of at least six days and a like notice shall be displayed in a conspicuous place in the burial ground to which such notice relates and any notice published under subsection (4) or subsection (5) of this section shall state the effect of subsections (7) to (11) of this section.

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(7) At any time within two months after the first publication of a notice published under subsection (4) or subsection (5) of this section any person who is an heir executor administrator or relative of any deceased person interred in a burial ground or part of a burial ground to which such notice relates may give notice in writing to the Corporation of his intention to undertake the removal of the remains of such deceased person and thereupon he shall be at liberty within the period of three months following the receipt by the Corporation of such notice to cause such remains to be removed to and reinterred in any burial ground or cemetery in which burials may legally take place.

(8) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the county court and the court shall have power to make an order specifying who shall remove the remains within such period of three months as aforesaid or such longer period as the court may allow.

(9) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of thirty-five pounds) shall be defrayed by the Corporation and such sum shall if necessary be apportioned equally according to the number of remains in the grave.

(10) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after giving such notice the person giving the same or (as the case may be) the person specified in any order made under subsection (8) of this section shall fail to comply with the provisions of this section the Corporation may (as the case may be) either—

(*a*) take action in pursuance of any such agreement as is referred to in subsection (4) of this section; or

(*b*) remove the remains of the deceased person and cause them to be interred in such a burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose.

(11) All memorial stones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and replaced at the place of reinterment of such remains or at such place as the county court may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such memorial stones and of their situation when replaced showing the particulars respecting each memorial stone as a separate entry and such record shall be deposited with the Registrar-General.

PART VI —*cont.*

(12) Any jurisdiction or power conferred on the county court by this section may be exercised by the registrar of the court.

(13) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county of Merioneth.

Making good diminution in water supplies used for domestic or agricultural purposes.

65.—(1) If by reason of the exercise of the powers of this Act the quantity of water available in any river or stream the waters or headwaters of which are abstracted or intercepted by the Corporation under the said powers and the said waters or headwaters of which—

(*a*) were immediately before the passing of this Act used by the occupier of lands abutting on such river or stream for his domestic or agricultural purposes; or

(*b*) were immediately before the passing of this Act used by the occupier of lands abutting on such river or stream for the purpose of the generation of electrical energy required at his premises or premises supplied by him with electrical energy;

is diminished so as to be insufficient for those purposes such occupier may within a period of five years from the commencement of the abstraction or interception of water by the Corporation from the river or stream or the headwaters thereof serve a notice upon the Corporation requiring them—

(i) in the case of the use of water for either of the purposes mentioned in paragraph (*a*) of this subsection to afford to him a supply of water for the purpose of making good such diminution; and

(ii) in the case of the use of water for the purpose mentioned in paragraph (*b*) of this subsection to provide for him a supply of electrical energy under the provisions of paragraph (*b*) of subsection (3) of this section.

(2) If any occupier serves a notice upon the Corporation in pursuance of the foregoing provisions of this section requiring a supply of water he shall at the same time serve a copy thereof upon the statutory water undertakers within whose limits of supply the lands to which such notice relates are situate.

(3) If the Corporation are satisfied or in the case of any dispute it is determined in manner hereafter in this section provided that any such diminution as aforesaid has occurred they shall so soon as reasonably practicable after the receipt of any such notice as aforesaid or the date of such determination (as the case may be) but subject to the following provisions of this section:—

(*a*) in the case of a notice requiring the affording of a supply of water afford or cause to be afforded to such occupier

PART VI —*cont.*

a supply of water in such quantities and upon such terms and conditions as may be agreed between the Corporation and such occupier or in default of such agreement as may be determined as hereafter in this section provided; or

(*b*) in the case of a notice requiring the provision of a supply of electrical energy provide or cause to be provided for such occupier a supply of electrical energy of such power and upon such terms and conditions as may be agreed between the Corporation and such occupier or in default of such agreement as may be determined as hereafter in this section provided:

Provided that in the case of the affording of a supply of water—

(i) unless otherwise agreed by any such occupier as aforesaid or unless such occupier before such diminution incurred expense in using the waters in such river or stream for his domestic or agricultural purposes a supply of water afforded or caused to be afforded under this section shall be afforded or caused to be afforded free of charge to the occupier;

(ii) a supply of water shall not be afforded or caused to be afforded under this section except with the consent of the local authority of the district in which and (where the local authority are not the statutory water undertakers) of the statutory water undertakers within whose limits of supply the lands to which a supply is proposed to be afforded are situate but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister;

(iii) the Corporation shall not be liable for any failure to afford or cause to be afforded any supply of water under this section if such failure is due to frost unusual drought or any other unavoidable cause:

Provided also that in the case of the provision of a supply of electrical energy unless otherwise agreed by any such occupier as aforesaid a supply of electrical energy provided or caused to be provided under this section of such power and efficiency as shall be reasonably sufficient for the purposes for which electricity generated by such occupier before such diminution occurred was used shall (as between the Corporation and such occupier) be provided at a cost to the occupier in any year not exceeding the amount by which the cost which such occupier would have incurred in that year in obtaining a supply of electrical energy from the generator used by him immediately before the passing of this Act (including depreciation thereon) if the supply therefrom had continued without such diminution as aforesaid exceeds the cost to him of obtaining such supply after such diminution.

PART VI —*cont.*

(4) The affording of a supply of water or the provision of a supply of electrical energy under this section shall be deemed to have been accepted by all persons interested as full compensation for any waters abstracted or intercepted as aforesaid.

(5) If any difference or dispute shall arise under this section between the Corporation and any such occupier as aforesaid such difference or dispute shall be referred to and determined by the Minister whose decision shall be final and binding on the Corporation and such occupier and may be given subject to such terms and conditions as he thinks fit.

For preservation of scenery and amenities in Snowdonia National Park.

66.—(1) In the construction and maintenance of such of the works authorised by this Act as are situated in the Snowdonia National Park the Corporation shall have regard to—

(*a*) the preservation for the public of the natural beauty of the area in which the works are situate and the enjoyment thereof by the public; and

(*b*) the conservation of flora and fauna and geological or physiographical features of special scientific interest therein.

(2) For the purpose of securing the foregoing provisions of this section but without prejudice to the generality thereof the Corporation shall—

(*a*) after consultation with the National Parks Commission appoint a landscape consultant whom the Corporation shall consult generally in connection with their duties under paragraph (*a*) of subsection (1) of this section and on questions affecting amenity in or in connection with or arising out of the carrying out or doing under the powers of this Act of any operations or things in connection with such works including the following:—

(i) the disposal of spoil or waste material;

(ii) the reinstatement or restoration of land;

(iii) the planting and felling of trees and the planting of bushes and other plants;

(*b*) consult with the National Parks Commission with respect to the design and external appearance of any dam and the situation design and external appearance of any aqueduct building or bridge constructed in connection with such works or any wall embankment or fence forming part of or constructed in connection with any such aqueduct building or bridge; and

(*c*) send to the National Parks Commission copies of any recommendations of the said landscape consultant made to the Corporation in pursuance of his functions under paragraph (*a*) of this subsection.

PART VI —*cont.*

(3) For the purpose aforesaid the Corporation shall in the case of such of the works authorised by this Act as are situated in the Snowdonia National Park—

(*a*) without prejudice to anything in the Town and Country Planning Act 1947 consult with the local planning authority as to—

(i) the design and external appearance of any dam and the situation design and external appearance of any aqueduct building bridge wall embankment (other than any embankment to be constructed in connection with any dam) road or fence to be constructed in connection with such works under this Act; and

(ii) the carrying out of quarrying operations or the manner and method of disposing of any spoil or waste material resulting from the carrying out of any operation in connection with such works under this Act;

(*b*) send to the local planning authority copies of any recommendations of the said landscape consultant made to them with regard to any of the matters referred to in paragraph (*a*) of this subsection and shall comply with such reasonable requirements as the local planning authority shall make—

(i) for the purpose of rendering any such dam aqueduct building bridge wall embankment road fence spoil or waste material as inconspicuous as possible; or

(ii) with regard to the carrying out of quarrying operations or the disposal of any such spoil or waste material;

including as respects any purpose mentioned in the foregoing sub-paragraph (i) requirements as to the laying of turf the sowing of grass seed and the planting of trees bushes or plants:

Provided that before making any requirement with regard to the disposal of spoil or waste material the local planning authority shall consult with the Minister of Agriculture Fisheries and Food and shall not consent to or require the deposit of any spoil or waste material along or within one hundred feet of the bank of any watercourse other than any aqueduct or other work authorised by this Act without first consulting with any river board in whose area such watercourse is situated.

(4) Within six months after the completion of any of the said works authorised by this Act or such longer period as the local planning authority may agree the Corporation shall remove or to the reasonable satisfaction of the local planning authority demolish

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or otherwise dispose of all temporary buildings and structures erected for the purposes of or in connection with the construction of such works which are not required for the purposes of or in connection with the construction of other such works and shall remove all surplus materials plant machinery and appliances provided or erected in connection therewith which are not so required and shall so far as is reasonably practicable to the like satisfaction restore and make good the surface of the ground on which any such temporary buildings and structures or any such surplus materials plant machinery and appliances as aforesaid have been placed.

(5) For the purposes of this section the expression "spoil and waste material" includes any rock sand mud and other materials dredged up or removed by the Corporation under the powers of section 28 (Power to dredge etc.) of this Act.

(6) If any question shall arise as to the reasonableness of any requirements which the local planning authority may make under subsection (3) or subsection (4) of this section the question shall be referred to and determined by the Minister whose decision shall be final and if any such question relates to the deposit of spoil or waste material along or within one hundred feet from the bank of any watercourse other than an aqueduct or other work authorised by this Act any river board in whose area such watercourse is situate may make representations to the Minister with regard to such deposit and shall be entitled to be heard by the Minister at any inquiry with reference thereto.

Liability to make compensation.

67.—(1) Without prejudice to the provisions of section 92 of the Third Schedule to the Water Act 1945 as applied and incorporated in this Act the Corporation shall pay compensation to persons having rights of passage for sheep or stock over or across any lands taken or used for the purposes of this Act in respect of injury or loss to sheep or stock suffered by such person in the exercise of such rights of passage by reason of the construction of the works authorised by this Act.

(2) The amount of such compensation shall in case of dispute be determined by arbitration.

PART VII

PROTECTIVE PROVISIONS

Crown rights.

68. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein authorises the Corporation to take use or in any manner

interfere with any land or hereditaments or any rights of whatsoever description—

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(*b*) vested in the Minister of Agriculture Fisheries and Food or the Minister of Health upon trust for Her Majesty without the consent in writing of the Minister of Agriculture Fisheries and Food or the Minister of Health (as the case may require) first had and obtained for that purpose.

For protection of Postmaster-General.

69.—(1) Where any road bridleway or footpath or portion of a road bridleway or footpath is stopped up in pursuance of the powers conferred by section 8 (Power to stop up roads bridleways and footpaths) or section 9 (Power to divert roads bridleways and footpaths) of this Act the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such road bridleway or footpath or portion of a road bridleway or footpath at the time of such stopping up:—

(*a*) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the road bridleway or footpath or portion of the road bridleway or footpath so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;

(*b*) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;

(*c*) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line

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connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may reasonably require;

(*d*) Where under paragraph (*b*) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any road bridleway or footpath has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

For protection of National Trust for Places of Historic Interest or Natural Beauty.

70. Notwithstanding anything in this Act or shown upon the deposited plans the Corporation shall not under the powers of this Act enter upon take or use any of the lands in the parish of Eidda in the rural district of Nant Conway in the county of Caernarvon or in the parish of Tir Ifan in the rural district of Hiraethog in the county of Denbigh which are delineated on the deposited plans or referred to in the deposited book of reference.

Compensation for damage to fisheries.

71.—(1) The Corporation shall provide equip and thereafter maintain a fish trap fish hatchery rearing ponds and such other works and facilities (hereinafter in this section referred to as "fishery works") as may be agreed between the Corporation and the river board or in default of agreement as may be determined as hereafter in this section provided to be reasonably necessary to remedy or if that is not reasonably practicable to mitigate so far as circumstances permit the injurious affection to the fisheries in the Afon Tryweryn resulting from the construction of the Tryweryn reservoir (Work No. 1) and the exercise by the Corporation of the powers conferred upon them by section 16 (Power to take waters of the Afon Tryweryn and other rivers and streams) of this Act):

Provided that if it is agreed between the Corporation and the river board or in default of agreement determined as hereafter in this section provided that some other alternative work would be equally as satisfactory as the said fish trap fish hatchery or rearing ponds to carry out the purposes of this section such other work shall be substituted for the fish trap fish hatchery or rearing ponds (as the case may be) and in that event the expression "fishery works" (as defined in this section) shall have effect subject to any necessary modifications.

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(2) Any fishery work to be constructed by the Corporation under the provisions of this section shall be sited in such position and constructed in such manner and of such materials and in accordance with such plans sections and specifications as may be agreed between the Corporation and the river board or in default of agreement as may be determined as hereafter in this section provided.

(3) The liability of the Corporation under this section to maintain the fishery work may by agreement with the river board (which agreement shall not be unreasonably withheld) be discharged by a lump sum payment agreed or determined as aforesaid:

Provided that—

(*a*) in the case of a liability to maintain any fishery work such lump sum payment as may be agreed or determined as aforesaid shall represent the capital amount of the annual cost of such maintenance; and

(*b*) in calculating any lump sum payment for the discharge of any liability account shall be taken—

(i) on the one hand of any expenses which would have been incurred by the river board in connection with the fisheries in the Afon Tryweryn if this Act had not been passed; and

(ii) on the other of any reasonable expenses which the board has or may have to incur in connection with those fisheries or any other fisheries which may be established by the river board as a result of the construction of the Tryweryn reservoir (Work No. 1) and of the impounding of the water of the Afon Tryweryn being in either case expenses which would not have been incurred if this Act had not been passed.

(4) Any dispute or difference between the Corporation and the river board under this section shall on the application of either party (after notice in writing to the other) be referred to and determined by the Minister of Agriculture Fisheries and Food.

For protection of Cheshire County Council.

72. For the protection of the county council of the administrative county of Chester (in this section referred to as " the county council ") the following provisions shall unless otherwise agreed in writing between the Corporation and the county council apply and have effect :—

(1) In this section—

" specified work " means Works Nos. 19 and 21;

" construct " includes maintain extend enlarge replace or relay and " construction " shall be construed accordingly;

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" the county smallholding lands " means the lands owned by the county council in the parishes of Huntington and Saighton in the rural district of Chester in the administrative county of Chester and used as smallholdings:

(2) Before exercising the powers of section 10 (Temporary stoppage of roads bridleways and footpaths) of this Act in respect of any county road within the administrative county of Chester the Corporation shall give reasonable notice to the county council of the times at which interference with the road is intended to take place and shall comply with such reasonable conditions as the county council may require Any question whether such conditions are reasonable shall be determined by the Minister of Transport and Civil Aviation:

(3) Where any work authorised by this Act is laid under a county road the county council shall not (except in the case of negligence) be liable to the Corporation for any damage caused to the work by the reasonable use by the county council on a county road of a road roller or other engine not exceeding twelve tons in weight and the Corporation shall indemnify the county council from all proper claims for damages that may be made against the county council by reason of any sinking or subsidence of the road caused by the failure of any such work:

Provided that the county council shall give reasonable notice to the Corporation of any such claim for damages as is referred to in this paragraph and no settlement or compromise thereof shall be made without the consent of the Corporation:

(4) Except in case of an emergency the Corporation shall not construct or carry out any specified work in or through the county smallholding lands or any watercourse in the rural districts of Chester or Runcorn other than the main rivers of the river board or the Cheshire River Board except in accordance with plans sections and particulars approved by the county council which approval shall not be unreasonably withheld:

Provided that if the county council do not within one month after the receipt of such plans sections and particulars signify their disapproval thereof together with the grounds of their disapproval they shall be deemed to have approved thereof:

(5) The Corporation shall not under the powers of this Act acquire any county smallholding lands but the Corporation may in exercise of the powers conferred

on them by section 39 (Power to acquire easements only) of this Act acquire such easements and rights in the lands as the Corporation may require:

(6) Any difference which may arise between the Corporation and the county council under this section and any question whether approval is or is not unreasonably withheld shall be determined by arbitration.

For protection of Lancashire County Council.

73. For the protection of the county council of the administrative county of the county palatine of Lancaster (in this section referred to as " the county council ") the following provisions shall unless otherwise agreed in writing between the Corporation and the county council apply and have effect:—

(1) In this section—

" the new road " means the proposed road to commence at Rainhill Stoops on the Liverpool-Warrington trunk road (A.57) and proceeding generally in a north-westerly direction to its junction with the Liverpool-St. Helens county road (A.58) at the St. Helens county borough boundary and thence generally in a northerly direction to its junction with the Liverpool-East Lancashire trunk road (A.580);

" the specified works " means so much of Works Nos. 21 and 23 as may affect or be affected by the new road:

(2) If the new road shall not have been constructed before the date upon which the Corporation commence to construct the specified works the Corporation shall before commencing the construction of the specified works give to the county council notice of their intention so to do and the county council shall within twenty-eight days of the receipt of such notice furnish to the Corporation full details of the proposed lines and levels of so much of the new road as may affect or be affected by the specified works and the Corporation shall in constructing the specified works have regard to the proposed construction of the new road in accordance with any such lines and levels as may within such period be notified to the Corporation by the county council and when the new road is constructed in accordance with such lines and levels (but not otherwise) the Corporation shall carry out such further works (if any) as may be reasonably required for the protection of the specified works:

Provided that if the new road shall be constructed otherwise than in accordance with the lines and levels

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as notified to the Corporation any works which may be reasonably required for the protection of the specified works in consequence of the construction of the new road shall be carried out by the Corporation at the expense of the county council:

(3) Any difference between the Corporation and the county council under this section shall be settled by arbitration.

For protection of Merionethshire County Council.

74. The following provisions for the protection of the Merionethshire County Council (in this section referred to as " the county council ") shall except as otherwise agreed in writing between the Corporation and the county council have effect:—

(1) The Corporation shall construct the road diversion (Work No. 9) with a carriageway of twenty feet in width and with two verges each of five feet in width and with lay-byes and parking places of such size and number as may be reasonably required by the county council:

(2) (*a*) As part of the said road diversion the Corporation shall construct a bridge with a minimum width of thirty feet between the parapets for carrying the roadway thereof over the Tryweryn reservoir and shall erect on each side of the said bridge a good and sufficient fence of at least four feet high;

(*b*) Notwithstanding anything in section 11 (Vesting and maintenance of roads) of this Act upon the completion of such bridge the Corporation shall thereafter maintain and repair the said bridge and keep the same in good order and condition to the reasonable satisfaction of the county council and the county council shall thereafter maintain and repair the surface of the road carried by the said bridge:

(3) The Corporation shall at their expense maintain any road retaining walls constructed in connection with Works Nos. 9 and 11:

Provided that the Corporation may and if so requested by the county council shall pay to the county council an amount equal to the capitalised annual cost of maintaining such retaining walls:

(4) (*a*) Before commencing to construct the said Works Nos. 9 and 11 or so much of any other works under the provisions of this Act or the enactments incorporated therewith as affects any road bridleway or footpath in the administrative county of Merioneth or any bridge or culvert vested in the county council the Corporation

shall submit to the county council for their reasonable approval such plans sections and particulars (including details of construction) of the proposed works as they may reasonably require;

(*b*) If the county council do not within twenty-eight days after receipt of such plans sections and particulars give notice in writing to the Corporation signifying their disapproval thereof they shall be deemed to have approved thereof;

(*c*) Such works shall be constructed in accordance with such plans sections and particulars as may be approved (or are deemed to be approved) or if the county council have signified their disapproval thereof as may be settled by arbitration;

(*d*) The Corporation shall give reasonable notice to the county council of the time at which such works are intended to be constructed;

(*e*) Such works when commenced shall be carried out with all reasonable dispatch and to the reasonable satisfaction of the surveyor to the county council and the Corporation shall at all reasonable times afford to the said surveyor access to such works for the purpose of inspection:

(5) Whenever the Corporation require to carry out under section 28 (Power to dredge etc.) of this Act any operations affecting any bridges culverts or other property vested in the county council the Corporation shall except in case of emergency give to the county council two months' notice of their intention to carry out such operations accompanied by particulars of the operations proposed and in carrying out such operations the Corporation shall comply with such reasonable conditions as may by notice to the Corporation within the said period of two months be required by the county council including conditions giving the surveyor of the county council the right to inspect at all reasonable times any such operations in progress:

(6) If at any time in consequence of the subsidence of the bridge referred to in paragraph (2) of this section damage or interference shall be caused to the road diversion (Work No. 9) the Corporation shall forthwith give notice thereof to the county council and all such damage shall forthwith be made good and any such interference shall be removed by the Corporation at their own expense and under the superintendence (if given) and to the reasonable satisfaction of the county council and the Corporation shall be responsible for and shall save

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harmless and indemnify the county council from and against all claims in respect of any such damage or interference:

Provided that the county council shall give reasonable notice to the Corporation of any such claim and no settlement or compromise thereof shall be made without the consent of the Corporation:

(7) If the county council shall themselves desire to carry out the works necessary to make good any such damage or to remove any such interference as aforesaid they may on giving not less than seven days' previous notice to that effect to the Corporation forthwith carry out any such works and the Corporation shall reimburse the county council in respect of any expense which they may reasonably incur in executing such works:

(8) The Corporation shall during such period as Works Nos. 1 2 3 4 9 10 11 and 12 authorised by this Act (hereinafter referred to as "the said works") are in process of construction pay to the county council or to the Gwynedd police authority the cost of maintaining such an additional number of police as may be reasonably necessary for the due preservation of order in the area in which the said works are situate in consequence of the construction of the said works:

(9) The Corporation shall during the said period pay to the county council all expenses reasonably incurred by them as local education authority—

(*a*) in providing and maintaining any additional accommodation of a temporary character which may be reasonably necessary for the education of the children or dependants of workmen of the Corporation their contractors or agents employed in or in connection with the construction of the said works; and

(*b*) in providing means of transport for such children or dependants to and from the nearest school from and to their places of abode:

(10) In calculating any payment to be made under paragraphs (8) and (9) of this section regard shall be had to any sums receivable by the county council or by the Gwynedd police authority by way of grants in respect of the cost incurred in maintaining police as mentioned in paragraph (8) or of expenses incurred in relation to the children or dependants referred to in paragraph (9) of this section but so that no additional cost shall be imposed upon the county council:

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(11) The Corporation shall repay to the county council all expenses reasonably incurred by them in or about any strengthening alteration repair or renewal of any county bridge or in the repair of any fords culverts or arches which may be endangered or damaged by the passage of the traffic of the Corporation or of their contractors or servants in the exercise of the powers of this Act:

(12) Any difference which may arise between the Corporation and the county council or the Gwynedd police authority under this section shall be determined by arbitration.

For further protection of Merioneth-shire County Council.

75. The following further provisions for the protection of the Merionethshire County Council (in this section referred to as " the county council ") shall have effect:—

(1) The Corporation shall make all necessary arrangements for providing emergency medical and surgical treatment for any workmen employed on the construction of the Tryweryn reservoir (Work No. 1) the road diversion (Work No. 9) and the railway diversion (Work No. 10) and be responsible for all reasonable consequential costs and expenses except in so far as such costs and expenses are payable under the provisions of the National Health Service Acts 1946 to 1952 or otherwise:

(2) The medical officer of health of the county council and any officer duly authorised by the county council shall be entitled at any time to enter into inspect and examine any accommodation in the administrative county of Merioneth provided under section 32 (Accommodation for workmen employed on construction of works) of this Act in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided (and any person obstructing such officer in the performance of his duty under this section shall be liable to a penalty not exceeding forty shillings):

(3) The Corporation shall give such officer all facilities and information which he may reasonably require for the purpose of the performance of his duties:

(4) If at any time it appears to the county council that the Corporation have failed to provide or maintain accommodation in the administrative county of Merioneth in accordance with section 32 (Accommodation for workmen employed on construction of works) of this Act the Corporation shall afford and maintain such accommodation as the county council may reasonably require:

Provided that if within fourteen days after the receipt of notice of any requirement of the county council

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under this subsection the Corporation give notice to that council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister on the application of either of the parties to the difference and the Minister may make such requirements (if any) in variation of the requirements of the county council as he may think fit:

(5) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of subsection (4) of this section they shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

For protection of Birkenhead and Wallasey Corporations.

76. For the protection of the mayor aldermen and burgesses of the county borough of Birkenhead and the mayor aldermen and burgesses of the county borough of Wallasey (in this section referred to as " the two corporations ") the following provisions shall unless otherwise agreed in writing between the Corporation and the two corporations apply and have effect:—

(1) In this section—

" the specified works " means so much of Works Nos. 15 16 16A 17 and 18 (or any of them) as will be situate in the river Dee or the bank thereof;

" the existing intake " means the intake Work No. 1 authorised by the Birkenhead and Wallasey Water Order 1952:

(2) Before constructing any of the specified works the Corporation shall submit to the two corporations plans and sections thereof and the specified works shall not be constructed otherwise than in such positions (being positions within the limits of deviation therefor) in relation to the existing intake as may be reasonably approved by the two corporations or if such approval be withheld as may be determined in accordance with paragraph (4) of this section:

Provided that if within two months after the submission to them of plans and sections under this paragraph the two corporations do not signify their disapproval of the positions of the specified works shown thereon they shall be deemed to have approved thereof:

(3) Notwithstanding any approval given under paragraph (2) of this section if in consequence of the construction operation or use of Works Nos. 15 16 16A 17 and 18 (or any of them) the existing intake shall be interfered with or prejudicially affected or the quantity or quality of water abstracted by the two corporations by means of the

existing intake shall be prejudicially affected the Corporation shall pay to the two corporations any costs and expenses which they may reasonably incur and reasonable compensation for any loss which they may sustain by reason thereof and the Corporation shall indemnify and hold harmless the two corporations from and against all claims or demands arising out of or by reason of such interference or affecting:

Provided that nothing in this paragraph shall require the Corporation to make any payment to or indemnify the two corporations in respect of any costs or expenses incurred or loss sustained or claims or demands arising by reason of any affecting of the quantity or quality of water abstracted by means of the existing intake where such affecting arises by reason of the provisions of subsection (2) of section 7 (Power to take water from river Dee) of the Birkenhead and Wallasey Water Order 1952 or any enactment amending or re-enacting those provisions:

(4) The two corporations shall give reasonable notice to the Corporation of any such claim or demand as is referred to in paragraph (3) of this section and no settlement or compromise thereof shall be made without the consent of the Corporation:

(5) Any difference between the Corporation and the two corporations under this section shall be determined in the case of a difference arising exclusively under paragraph (2) of this section by the Minister and in any other case by an arbitrator to be appointed by agreement between the parties or in default of agreement appointed by the President of the Law Society.

For protection of Bala Urban District Council.

77. For the protection of the Bala Urban District Council (hereafter in this section referred to as " the Bala Council ") the following provisions shall unless otherwise agreed in writing between the Corporation and the Bala Council apply and have effect:—

(1) Nothing in this Act shall authorise the Corporation to take water from the lake known as Llyn Arenig-Fawr (hereafter in this section referred to as " the lake ") or otherwise from the catchment area of the lake as shown coloured red on a plan signed by Trevor Lloyd Davies on behalf of the Bala Council and by Thomas Alker on behalf of the Corporation save such water (if any) as flows from the lake after the Bala Council have taken such water (if any) as they may from time to time require for the purposes of their water undertaking:

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(2) Notwithstanding anything in this Act or shown upon the deposited plans the Corporation shall not except by agreement enter upon take or use any lands or apparatus belonging to the Bala Council and forming part of their water undertaking but the Corporation may pursuant to section 39 (Power to acquire easements only) of this Act acquire such easements and rights in those lands as they may reasonably require for the purpose of constructing using and maintaining and for obtaining access to the stream improvement (Work No. 4):

(3) Nothing in this Act or shown on the deposited plans shall authorise any interference with the embankment of the lake or any other works of the Bala Council or any ways or means of access enjoyed by the Bala Council in connection therewith and the Corporation shall take all such steps as may reasonably be required by the Bala Council for preventing danger of pollution of the lake or the said catchment area of the lake (each of which is hereafter in this section referred to as " the Bala source ") in the course of the construction of the conduit or catchwater and intakes (Work No. 3) and the stream improvement (Work No. 4):

(4) Whenever the Corporation require to carry out any works of construction maintenance repair or renewal of any part of the stream improvement (Work No. 4) which affect any lands or works of the Bala Council forming part of their water undertaking or to carry out under section 28 (Power to dredge etc.) or section 29 (Power to divert rivers streams etc.) of this Act any operations affecting the Nant Aberderfel the Corporation shall give to the water engineer of the Bala Council two months' notice of their intention to carry out any such works or operations accompanied by plans or other particulars of the works or operations proposed and in carrying out such works or operations the Corporation shall comply with such reasonable conditions as may by notice to the Corporation within the said period of two months be required by the said water engineer for the protection of the Bala source and other works forming part of the Bala Council's water undertaking including conditions giving the said water engineer the right to inspect at all reasonable times any such works or operations in progress:

(5) If by reason of the exercise of the powers of this Act the quantity of water which the Bala Council require for the purposes of their water undertaking and are able to obtain from the Bala source is diminished and

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the Corporation are satisfied or in the case of any dispute it is determined in manner hereafter in this section provided that any such diminution has occurred they shall so soon as reasonably practicable after the receipt of notice from the Bala Council that such diminution has occurred or after the date of such determination (as the case may be) carry out such works as may be necessary to make good the diminution or if it is not reasonably practicable to make good the diminution by any improvement or alteration of the Bala source they shall afford or cause to be afforded to the Bala Council such a supply of water as may from time to time be required for the purposes of the water undertaking of the Bala Council up to the amount of such diminution and not less wholesome than and as nearly as may be equal in quality to the water obtained by the Bala Council at the passing of this Act from the Bala source:

Provided that any interruption of such a supply owing to frost or other unavoidable cause shall not be a breach of any obligation under this paragraph:

(6) A supply of water afforded or caused to be afforded by the Corporation under paragraph (5) of this section shall be afforded on such terms as may be agreed or failing agreement determined as hereafter in this section provided:

Provided that the charge to be made for such a supply in any year shall not exceed the amount by which the cost which the Bala Council would have incurred in that year in obtaining a supply from the Bala source if the supply therefrom had continued undiminished exceeds the cost to them of obtaining the diminished supply therefrom:

(7) Before the Corporation commence the construction of the conduit or catchwater and intakes (Work No. 3) and the stream improvement (Work No. 4) or either of them the Bala Council shall at the expense and to the reasonable satisfaction of the Corporation provide instal and maintain the following apparatus:—

(*a*) gauges or meters (with suitable automatic recording instruments and other apparatus) for the purpose of measuring and recording—

(i) the quantity of water from time to time taken for supply by the Bala Council in each day from the Bala source; and

(ii) the quantity of water from time to time flowing in each day from the lake into the Nant Aberderfel; and

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(*b*) a recorder (with suitable automatic recording instruments and other apparatus) for the purpose of measuring daily the level of water in the lake:

(8) The Bala Council shall keep records of the quantities of water so taken and flowing in each day and of the level of water in the lake measured by means of the said recorder and as soon as reasonably possible after the end of every month they shall if so required by the water engineer of the Corporation deliver statements in respect of that month to him showing the quantities of water so taken and flowing daily as aforesaid and the daily level of water as aforesaid such statements being based on the records which the Bala Council are under this paragraph required to keep:

(9) The Corporation and their officers and servants duly authorised in that behalf shall have the right of access at all reasonable times to the gauges or meters recording instruments and recorders referred to in paragraph (7) of this section for the purpose of inspecting the same and ascertaining the efficiency thereof:

(10) Any difference or dispute or any matter falling to be determined between the Corporation and the Bala Council or their water engineer under this section shall be determined by arbitration.

Supply of water to rural district council of Maelor.

78. The Corporation shall at any time after they commence to take water from the river Dee under the powers of section 21 (Power to take water from river Dee) of this Act supply to the rural district council of Maelor (in this section referred to as " the council ") such daily quantity of water on such terms and conditions as may be agreed between the Corporation and the council or failing agreement determined by the Minister.

For protection of commission.

79. For the protection of the commission the following provisions shall unless otherwise agreed in writing between the Corporation and the commission apply and have effect:—

(1) In this section—

" transport property " means any railway or inland waterway belonging to the commission or for the maintenance or operation of which the commission are responsible and any lands belonging to or occupied by the commission and held or used by them for the purposes of any such railway or inland waterway but it does not include so much of the railway as defined in the next succeeding section of this Act as lies between the commencement and termination of the

railway diversion (Work No. 10) and the lands and works held or used by the commission in connection therewith;

" the works " means so much of any work authorised by Part II of this Act other than the railway diversion (Work No. 10) as may be situated upon across under or over transport property or may in any way affect the same and includes the construction maintenance and renewal of such works;

" the engineer " means an engineer to be appointed by the commission:

(2) The Corporation shall not under the powers of this Act acquire compulsorily any transport property (other than such transport property as they may reasonably require for the construction of the shafts in connection with the crossing by the works of the Weaver Navigation of the commission) but the Corporation may in accordance with the provisions of section 39 (Power to acquire easements only) of this Act acquire such easements and rights in the lands of the commission shown within the limits of deviation on the deposited plans as they may reasonably require for the purposes of the works:

(3) The Corporation shall before commencing the works (other than works of maintenance) furnish to the commission proper and sufficient plans sections drawings and particulars thereof for the approval of the engineer which approval shall not be unreasonably withheld and shall not commence the works until such plans sections drawings and particulars shall have been approved by the engineer or in case of difference between the engineer and the Corporation until they shall have been settled by arbitration:

Provided that if within twenty-eight days after such plans sections drawings and particulars have been furnished to the commission the engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved them:

(4) If within twenty-eight days after such plans sections drawings and particulars have been furnished to the commission the commission shall give notice to the Corporation that in consequence of the nature of the works it is reasonably necessary that the commission should construct any part of the works themselves then if the Corporation desire that part of the works to be constructed the commission shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Corporation in accordance with the plans sections drawings and particulars approved or deemed to be approved or settled as aforesaid (hereafter

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in this section called " the approved plans ") and may recover the reasonable cost of so doing from the Corporation:

Provided that in the event of the commission not constructing or completing such part of the works with reasonable dispatch and to the reasonable satisfaction of the Corporation the Corporation may after giving twenty-eight days' notice to the engineer themselves construct such part of the works:

(5) Upon signifying his approval or disapproval of the said plans sections drawings and particulars the engineer may specify any temporary or permanent works which in his opinion should be carried out before the commencement of the works in order reasonably to ensure the stability of transport property or to protect it from injury and such temporary or permanent works as may be reasonably necessary for those purposes shall be constructed by the commission with all reasonable dispatch and the reasonable cost of constructing such temporary or permanent works shall be paid by the Corporation and the Corporation shall not commence the construction of the works until the engineer shall have notified the Corporation that such temporary or permanent works have been completed:

(6) The Corporation shall give to the engineer twenty-one days' notice in writing of their intention to commence any of the works except in cases of emergency when they shall give such notice thereof as may be reasonably practicable:

(7) The works (or so much thereof as shall be carried out by the Corporation) shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to transport property and as little interference with or delay or interruption to the conduct of traffic on the railways or inland waterways of the commission as may be and if any damage to transport property or any such interference delay or interruption shall be caused or take place the Corporation shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage interference delay or interruption:

(8) The Corporation shall at all times afford reasonable facilities to the engineer for access to the works during

their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

(9) The commission shall at all times afford reasonable facilities to the Corporation for access to any works carried out by the commission under this section during their construction and shall supply the Corporation with all such information as they may reasonably require with regard to such works or the method of construction thereof:

(10) If any alterations or additions either permanent or temporary to transport property shall be reasonably necessary in consequence of the construction of the works such alterations and additions may be effected by the commission after notice has been given to the Corporation and the Corporation shall repay to the commission the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing any such alterations or additions:

(11) The Corporation shall repay to the commission all additional costs charges and expenses reasonably incurred by the commission in connection with the works—

(*a*) in respect of the employment of any inspectors signalmen watchmen and other persons whom it may be reasonably necessary to appoint for inspecting signalling watching and lighting any transport property affected by the works and for preventing as far as may be reasonably practicable any interference obstruction danger or accident arising from the works;

(*b*) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services; and

(*c*) in lighting transport property in the vicinity of the works:

(12) The works where constructed over any railway of the commission shall be carried by an independent structure which shall be constructed so as to provide such clear headway not exceeding twenty feet above rail level as the engineer may reasonably require and thereafter so maintained by the Corporation:

(13) The works where they consist of aqueducts or pipes to be constructed under the Weaver Navigation or any railway or canal of the commission shall if required by the engineer be enclosed in culverts or walled passages of sufficient height and width to admit of such aqueducts or pipes being examined to ascertain their condition and state of repair and to effect repairs and renewals thereof

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and the Corporation shall at all times afford reasonable facilities to the engineer for access to any such culvert or walled passage for the purpose of inspecting the works:

(14) Where the works consist of aqueducts or pipes to be constructed over or under the Weaver Navigation or any railway or canal of the commission the Corporation shall if required by the engineer provide on either or both sides of the transport property valves or other apparatus whereby the flow of water along such aqueducts or pipes can in case of accident or other emergency be effectively stopped:

(15) The works where they pass under the Weaver Navigation of the commission shall be constructed so that no part of any of the permanent works will be at a higher level than one foot below Ordnance datum (Newlyn) and in constructing the works the Corporation shall at all times leave a free open and uninterrupted navigable channel of not less than forty-five feet in clear width measured on the square with good and sufficient approaches thereto such channel and approaches to be of such depth in every part as in the opinion of the engineer will be sufficient for the purposes of navigation:

(16) On the completion of the works affecting the Weaver Navigation the Corporation shall forthwith remove all temporary works constructed by them and restore the waterway to its full width and depth as existing immediately before the commencement of the works:

(17) The Corporation shall at all times after the construction of the works maintain them in substantial repair and good order and condition and when necessary renew them to the reasonable satisfaction and under the supervision (if given) of the engineer and if and whenever the Corporation fail so to do after reasonable notice in that behalf the commission may make and do in and upon the lands of the commission or of the Corporation all such works and things as shall be requisite in that behalf and the reasonable costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Corporation:

(18) If the use of any of the works being an aqueduct or line of pipes is at any time permanently discontinued the Corporation shall give notice thereof to the commission and shall if reasonably required by the engineer remove any such works on or over transport property or remove or fill in any such works under transport property in either case under the supervision if given and to the reasonable satisfaction of the engineer:

(19) The Corporation shall be responsible for and make good to the commission all costs charges damages and

expenses not otherwise provided for in this section which may be occasioned to the commission—

(*a*) by reason of the works or the leakage bursting or failure thereof; or

(*b*) by reason of any act or omission of the Corporation or of any persons in their employ or of their contractors or others whilst engaged upon the works;

and the Corporation shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the works or any such leakage bursting or failure or act or omission as aforesaid and the fact that any work or thing may have been done by the commission on behalf of the Corporation or in accordance with any plans sections drawings or particulars approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the commission or of any person in their employ or of their contractors or others whilst engaged upon the works) excuse the Corporation from any liability under the provisions of this section:

Provided that the commission shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without prior consultation with the Corporation:

(20) The Corporation shall repay to the commission any additional expense which the commission after giving one month's notice thereof to the Corporation may reasonably incur by reason of the existence of the works in widening altering reconstructing or maintaining any railway or inland waterway of the commission or the works connected therewith in pursuance of any powers existing at the passing of this Act:

(21) Any dispute or difference arising between the Corporation and the commission or the engineer under this section shall be referred to arbitration.

For further protection of commission.

80. For the further protection of the commission the following provisions shall unless otherwise agreed in writing between the Corporation and the commission apply and have effect:—

(1) In this section—

" the engineer " means an engineer to be appointed by the commission;

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" the railway " means the railway of the commission between Bala Junction and Blaenau-Ffestiniog and the lands and works held or used by the commission in connection therewith;

" the railway diversion " means Work No. 10;

" the railway to be diverted " means so much of the railway as lies between the commencement and termination of the railway diversion and the lands and works held or used by the commission in connection therewith except any such lands and works as may be required for constructing or using the railway diversion;

" the vesting day " means the day next following the day on which the engineer shall certify that the railway diversion has been completed and is ready for public traffic or in case the engineer shall refuse to grant such a certificate at the request of the Corporation the twenty-eighth day after the grant of such a certificate by an arbitrator:

(2) Before commencing the construction of the railway diversion the Corporation shall furnish to the commission detailed plans sections and specifications thereof for the approval of the engineer which approval shall not be unreasonably withheld and the Corporation shall not commence the construction of the railway diversion until such plans sections and specifications have been approved by the engineer or in case of difference between the engineer and the Corporation until they have been settled by arbitration:

Provided that if within two months after such plans sections and specifications have been furnished to the commission the engineer has not intimated his approval or disapproval thereof he shall be deemed to have approved them:

(3) If within two months after such plans sections and specifications have been furnished to the commission the commission give notice to the Corporation that the commission desire themselves to construct the railway diversion or any part thereof or to lay the permanent way or provide or construct the signalling apparatus or any ancillary works required for the use and operation of the railway diversion the commission shall upon completion of any works requiring first to be executed by the Corporation proceed with all reasonable dispatch to execute the works referred to in the notice and may recover the reasonable cost of so doing from the Corporation:

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(4) When signifying his approval or disapproval of plans sections and specifications of the railway diversion the engineer may specify any temporary or permanent works which should be carried out before the commencement of so much of the railway diversion as will affect the railway to ensure the stability of the railway or to protect it from injury or to ensure that there will be as little interference as may be with the conduct of traffic thereon and such temporary or permanent works as may be reasonably necessary for those purposes shall be constructed by the commission with all reasonable dispatch and the cost reasonably incurred by them in so doing shall be paid by the Corporation and the Corporation shall not commence the construction of so much of the railway diversion as affects the railway until the engineer shall have notified the Corporation that such temporary or permanent works have been completed:

(5) The railway diversion shall be constructed in accordance with the plans sections and specifications approved or settled under this section and under the supervision (if given) of the engineer and so as to cause as little damage to the railway and as little interference with or delay or interruption to the conduct of traffic thereon as may be and if any such damage interference delay or interruption shall be caused in the construction of the railway diversion (otherwise than by the negligence of the commission or any person in their employ or their contractors) the Corporation shall notwithstanding any such approval as aforesaid or that the railway diversion or any part thereof is constructed by the commission pay to the commission the reasonable costs and expense to which they may be put in making good such damage and reasonable compensation for any loss which they may sustain by reason of any such damage interference delay or interruption:

(6) All accommodation works on the railway diversion and all agreements and arrangements with highway or local authorities or with landowners and others which may affect the railway diversion after the vesting day shall be subject to the reasonable approval of the commission before they are agreed between the Corporation and third parties:

(7) Except as may be reasonably necessary for the construction of the railway diversion the Corporation shall not enter upon take or use the railway to be diverted or any part thereof before the vesting day but on that day the railway to be diverted shall by

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virtue of this Act vest in the Corporation for all the estate and interest of the commission therein and the commission shall thereupon be freed and relieved from all obligations relating to the railway to be diverted or otherwise affecting the same:

Provided that the commission shall before the vesting day afford to the Corporation such reasonable facilities as may be necessary for access by the Corporation over the railway to be diverted to the other works authorised by this Act:

(8) On the vesting day the railway diversion and the site thereof shall by virtue of this Act vest in the commission and shall for all purposes form part of the railway and the commission shall thenceforth be entitled to exercise all or any of the powers of this Act with respect to the maintenance use and operation of the railway diversion and in respect of the railway diversion shall be subject to all obligations imposed on the Corporation by this Act otherwise than by this section:

(9) The Corporation shall as soon as may be practicable after the vesting day deliver to the commission all documents of title agreements abstracts plans and other documents in their possession affecting the lands on which the railway diversion and the works connected therewith have been constructed and all other documents and agreements affecting the railway diversion which continue to have effect after the vesting day:

(10) (*a*) The Corporation shall repay to the commission in respect of each year ended on the thirty-first day of December any amount by which the expenses reasonably incurred by the commission after the vesting day in maintaining renewing or operating the railway have in that year exceeded the expenses which would have been so incurred if the railway had not been diverted under the powers of this Act;

(*b*) If in any such year the expenses so incurred are less than the expenses which would have been incurred if the railway had not been diverted under the powers of this Act the amount of the difference shall be set off against any sums payable in subsequent years under sub-paragraph (*a*) of this paragraph until it is thereby discharged;

(*c*) The commission shall in respect of each year ended on the thirty-first day of December deliver to the Corporation an account showing the amount claimed by

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the commission under sub-paragraph (*a*) of this paragraph or the amount to be set off under sub-paragraph (*b*) of this paragraph as the case may be;

(*d*) The treasurer of the city shall be entitled at all reasonable times to inspect the accounts and books of the commission so far as they relate to the expenses incurred by the commission in maintaining renewing and operating the railway and the commission shall supply to the Corporation such information as they may reasonably require in relation to the matters referred to in this paragraph:

(11) Any difference arising between the Corporation and the commission or the engineer under this section shall be referred to arbitration.

For protection of Central Electricity Authority and Merseyside and North Wales Electricity Board.

81. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

(1) In this section —

"apparatus" means electric lines or works (as respectively defined in the Electric Lighting Act 1882) not being apparatus in respect of which the relations between the Corporation and the undertakers are regulated by the provisions of Part III of the Public Utilities Street Works Act 1950 and includes any building structure or works constructed for the lodging therein of apparatus;

"apparatus belonging to the undertakers" includes apparatus lawfully laid or erected by the undertakers;

"adequate alternative apparatus" means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

"in" in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under over or upon land;

"the undertakers" means the Central Electricity Authority or the Merseyside and North Wales Electricity Board as the case may be:

(2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire any apparatus belonging to the undertakers otherwise than by agreement:

(3) If the Corporation in the exercise of the powers of this Act acquire any interest in any lands in which any apparatus belonging to the undertakers is placed they shall not seek to remove that apparatus or to extinguish any right of the undertakers to maintain repair renew or inspect that apparatus in those lands until adequate

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alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:

(4) If the Corporation for the purpose of executing any works in on or under any lands acquired held appropriated or used under this Act require the removal of any apparatus belonging to the undertakers and placed in those lands and shall give to the undertakers written notice of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed or if in consequence of the exercise of any of the powers of this Act the undertakers shall reasonably require the removal of any apparatus the Corporation shall afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Corporation and thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed the undertakers shall on receipt of a written notice to that effect from the Corporation forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

(5) (*a*) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Corporation or in default of agreement settled by arbitration;

(*b*) The undertakers shall after the alternative apparatus to be provided or constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in the immediately preceding paragraph proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section:

(6) Notwithstanding anything in the immediately preceding paragraph if the Corporation give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation such work in lieu of being executed by the undertakers shall be executed by the Corporation with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing erection installation bedding packing removal connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

(7) Where in accordance with the provisions of this section the Corporation afford to the undertakers facilities and rights for the construction maintenance repair renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the undertakers or in default of agreement determined by arbitration:

Provided that in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through any of the works authorised by section 5 (Power to construct works) of this Act the arbitrator shall—

(*a*) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the said works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such works; and

(*b*) so far as it may be reasonable and practicable to do so in the circumstances of the particular case give effect to the terms and conditions applicable to the apparatus (if any) constructed through the lands of the Corporation for which the alternative apparatus is to be substituted:

Provided also that if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus and the terms and conditions subject to which

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the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the undertakers than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the arbitrator shall make such provision for the payment of compensation by the Corporation to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(8) (*a*) Not less than twenty-eight days before commencing to execute any such works as are referred to in paragraph (4) of this section and are near to or will or may affect any apparatus belonging to the undertakers the removal of which has not been required by the Corporation under the said paragraph (4) the Corporation shall submit to the undertakers a plan section and description of the works to be executed;

(*b*) Such works shall be executed only in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officer to watch and inspect the execution of such works:

Provided that if the undertakers within fourteen days after the submission to them of any such plan section and description shall in consequence of the works proposed by the Corporation reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement the provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (4) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Corporation from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of any such works a new plan section and description thereof in lieu of the plan section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan section and description;

(*c*) The Corporation shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and

a plan section and description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(9) (*a*) The Corporation shall pay to the undertakers the costs charges and expenses reasonably incurred by the undertakers in or in connection with the inspection removal alteration or protection of any apparatus belonging to the undertakers or the provision and construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph (4) of this section or the acquisition of rights or facilities for those purposes less the value of any apparatus which is removed in pursuance of the provisions of this section (such value being calculated after removal):

Provided that if the undertakers construct apparatus of better type or of greater capacity than the existing apparatus the undertakers shall unless the construction of apparatus of better type or greater capacity was reasonably necessary for the purposes of the works to meet the requirements of the Corporation bear such proportion of the cost of such construction as represents the amount by which such cost exceeds the cost which would have been incurred if the type or capacity of the apparatus so constructed had been the same as those of the existing apparatus;

(*b*) The Corporation shall also make compensation to the undertakers—

(i) for any damage caused to any apparatus belonging to the undertakers (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(ii) for any other expenses loss damages penalty or costs incurred by the undertakers;

by reason or in consequence of the execution maintenance user or failure of any works authorised by this Act or otherwise by reason or in consequence of the exercise by the Corporation of the powers of this Act:

(10) Where in consequence of this Act any part of any road bridleway or footpath in which any apparatus belonging to the undertakers is situate ceases to be part of a street road or footpath the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act but nothing in this paragraph shall prejudice or affect any right of

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the Corporation or of the undertakers to require the removal of such apparatus under this section or the power of the Corporation to execute works in accordance with paragraph (8) of this section:

(11) Where by reason or in consequence of the stopping up of any road bridleway or footpath under the powers of this Act any apparatus belonging to the undertakers and laid or placed in such road bridleway or footpath or elsewhere is rendered derelict or unnecessary the Corporation shall pay to the undertakers the then value of such apparatus (which shall thereupon become the property of the Corporation) and the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of such apparatus being so rendered derelict or unnecessary:

Provided that the Corporation shall not under the provisions of this paragraph be required to pay to the undertakers the value of any apparatus rendered derelict or unnecessary if to the reasonable satisfaction of the undertakers other apparatus shall at the expense of the Corporation have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict or unnecessary:

(12) Any difference arising between the Corporation and the undertakers under this section shall be referred to arbitration.

For protection of Cheshire River Board and Mersey River Board.

82. Notwithstanding anything in this Act the following provisions for the protection of the Cheshire River Board and the Mersey River Board (each of whom is in this section referred to as " the river board ") shall unless otherwise agreed in writing between the Corporation and the river board concerned apply and have effect:—

(1) In this section unless the context otherwise requires—

" alter " includes extend enlarge replace or relay;

" apparatus " includes any structure or appliance for controlling or regulating the flow of water in into or out of any watercourse and any machinery under the control of any drainage authority;

" authorised work " means—

(*a*) in relation to the Cheshire River Board so much of Works Nos. 19 and 21; and

(*b*) in relation to the Mersey River Board so much of Works Nos. 21 23 and 26;

and of any works carried out by the Corporation on lands within the river board area authorised to be acquired by this Act as may affect any watercourse or apparatus;

" banks " has the meaning assigned to that expression by the Land Drainage Act 1930;

" drainage authority " means a drainage board constituted or to be treated as having been constituted under the Land Drainage Act 1930 and having jurisdiction in the river board area;

" the main river " means the main river of the river board as for the time being shown on any map approved or varied in accordance with the provisions of section 6 of the River Boards Act 1948;

" the river board area " means the Cheshire River Board area or the Mersey River Board area (as the case may be) as for the time being constituted;

" watercourse " includes—

(i) the main river and any other river and any stream ditch drain cut culvert dyke sluice sewer (other than a public sewer within the meaning of the Public Health Act 1936) or passage through which water flows and the banks thereof;

(ii) any drainage work and the banks thereof under the jurisdiction of any drainage authority:

(2) In the construction or alteration of any authorised work the Corporation shall not diminish the width between the banks of any watercourse except with the consent of the river board but such consent shall not be unreasonably withheld:

(3) Except with the consent of the river board which shall not be unreasonably withheld the Corporation shall not construct or alter any authorised work which affects any watercourse otherwise than—

(*a*) in such manner as not to obstruct or interfere with the free flow of water in into or out of such watercourse;

(*b*) in such manner—

either—

(i) as to allow the free passage of flood waters under the authorised work; or

(ii) that the top or upper surface of the authorised work shall be situate at such reasonable depth below such watercourse as to allow of the proper cleansing and scouring of such

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watercourse and of the deepening of the bed thereof to such extent as may be reasonably necessary for the improvement of such watercourse;

(*c*) in such manner as to allow of the widening of such watercourse to such extent as may be reasonably necessary for the improvement of such watercourse:

(4) (*a*) Before commencing to construct or alter any authorised work the Corporation shall submit to the river board plans and sections and (when reasonably required by the river board) working drawings thereof and of any temporary works for their reasonable approval If the river board do not within twenty-one days after the submission to them of any such plans and sections and drawings (if any) signify to the Corporation in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(*b*) An authorised work shall not be constructed or altered otherwise than in accordance with such plans and sections and drawings (if any) as may be approved (or are to be deemed to be approved) by the river board or if such approval be withheld as may be settled by arbitration and shall be constructed or altered to the reasonable satisfaction of the river board and under the superintendence of the engineer to the river board if the engineer elects to superintend after receiving reasonable notice of the date when the work is to be commenced:

(5) The Corporation shall at all reasonable times afford to the engineer of the river board or his duly authorised representatives access to any authorised work during the construction or alteration thereof for the purpose of inspection:

(6) The construction or alteration of any authorised work shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion:

(7) The Corporation shall at all times keep the river board and any other drainage authority indemnified against all damages losses costs and expenses which they may sustain or be liable for or reasonably and properly incur by reason or in consequence of any injury or damage which may be caused or result to any watercourse or apparatus or any obstruction which may be caused or result in any watercourse by or in consequence of or in connection with the construction or alteration of any authorised work:

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(8) Except as expressly provided by this Act nothing in this Act shall prejudice lessen or affect any right power or jurisdiction of the river board or any other drainage authority under the Land Drainage Act 1930:

(9) Any difference arising between the river board and the Corporation under this section (save as to the construction of this section) shall be settled by arbitration.

For protection of Dee and Clwyd River Board.

83. Notwithstanding anything in this Act the following provisions for the protection of the river board shall unless otherwise agreed in writing between the Corporation and the river board apply and have effect:—

(1) In this section unless the context otherwise requires—

"alter" includes extend enlarge replace or relay;

"apparatus" includes any structure or appliance for controlling or regulating the flow of water in into or out of any watercourse and any machinery under the control of any drainage authority;

"authorised work" means so much of Works Nos. 1 to 19 and of any other works carried out by the Corporation on lands within the river board area authorised to be acquired for the purposes of the works authorised by this Act as may affect any watercourse or apparatus;

"banks" has the meaning assigned to that expression by the Land Drainage Act 1930;

"drainage authority" means a drainage board constituted or to be treated as having been constituted under the Land Drainage Act 1930 and having jurisdiction in the river board area;

"the main river" means the main river of the river board as for the time being shown on any map approved or varied in accordance with the provisions of section 6 of the River Boards Act 1948;

"the river board area" means the river board area as for the time being constituted;

"watercourse" includes—

(i) the main river and any other river and any stream ditch drain cut culvert dyke sluice sewer (other than a public sewer within the meaning of the Public Health Act 1936) or passage through which water flows and the banks thereof;

(ii) any drainage work and the banks thereof under the jurisdiction of any drainage authority:

(2) In the construction or alteration of any authorised work the Corporation shall not diminish the width between

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the banks of any watercourse except with the consent of the river board but such consent shall not be unreasonably withheld:

(3) Except with the consent of the river board which shall not be unreasonably withheld the Corporation shall not construct or alter any authorised work which affects any watercourse otherwise than—

(*a*) in such manner as not to obstruct or interfere with the free flow of water in into or out of such watercourse;

(*b*) in such manner—

either—

(i) as to allow the free passage of flood waters under the authorised work;

or

(ii) that the top or upper surface of the authorised work shall be situate at such reasonable depth below such watercourse as to allow of the proper cleansing and scouring of such watercourse and of the deepening of the bed thereof to such extent as may be reasonably necessary for the improvement of such watercourse;

(*c*) in such manner as to allow of the widening of such watercourse to such extent as may be reasonably necessary for the improvement of such watercourse:

(4) (*a*) Before commencing to construct or alter any authorised work the Corporation shall submit to the river board plans and sections and (when reasonably required by the river board) working drawings thereof and of any temporary works for their reasonable approval If the river board do not within twenty-one days after the submission to them of any such plans and sections and drawings (if any) signify to the Corporation in writing their approval or disapproval thereof they shall be deemed to have approved thereof;

(*b*) An authorised work shall not be constructed or altered otherwise than in strict accordance with such plans and sections and drawings (if any) as may be approved (or are to be deemed to be approved) by the river board or if such approval be withheld as may be settled by arbitration as hereinafter provided and shall be constructed or altered to the reasonable satisfaction of the river board and under the superintendence of the engineer to the river board if the engineer elects to superintend after receiving reasonable notice of the date when the work is to be commenced:

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(5) The Corporation shall at all reasonable times afford to the engineer of the river board or his duly authorised representatives access to any authorised work during the construction or alteration thereof for the purpose of inspection:

(6) The construction or alteration of any authorised work shall when commenced be continued uninterruptedly so far as may be reasonably practicable until completion:

(7) The Corporation shall not under the powers of section 28 (Power to dredge etc.) of this Act deepen dredge widen alter or improve the bed banks or channel of any river or stream within the river board area without the consent of the river board but such consent shall not be unreasonably withheld and all such deepening dredging widening altering or improving shall be carried out under the superintendence of the engineer to the river board if the engineer elects to superintend after receiving reasonable notice of the date when the work is to be commenced:

(8) The Corporation shall at all times keep the river board and any other drainage authority indemnified against all damages losses costs and expenses which they may sustain or be liable for or reasonably and properly incur by reason or in consequence of any injury or damage which may be caused or result to any watercourse or apparatus or any obstruction which may be caused or result in any watercourse by or in consequence of or in connection with the construction or alteration of any authorised work or the exercise of the powers of the said section 28 of this Act:

(9) Except as expressly provided by this Act nothing in this Act shall prejudice lessen or affect any right power or jurisdiction of the river board or any other drainage authority under the Land Drainage Act 1930:

(10) Any matter referred to or required to be settled by arbitration under this section and any difference arising between the river board and the Corporation under this section (save as to the construction of this section) shall be referred to and determined by arbitration.

For protection of North Western Gas Board.

84. For the protection of the North Western Gas Board (in this section referred to as "the gas board") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas board apply and have effect:—

(1) In this section—

"apparatus" means any apparatus belonging to the gas board or for the maintenance of which they

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are responsible (not being apparatus in respect of which the relations between the Corporation and the gas board are regulated by the provisions of Part III of the Public Utilities Street Works Act 1950) and includes any structure for the lodging therein of apparatus;

" adequate alternative apparatus " means alternative apparatus adequate to enable the gas board to fulfil their statutory functions in a manner not less efficient than previously;

" in " in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under over or upon land:

(2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire any apparatus otherwise than by agreement:

(3) If the Corporation in the exercise of the powers of this Act acquire any interest in any lands in which any apparatus is placed they shall not remove that apparatus or extinguish any right of the gas board to maintain repair renew or inspect that apparatus in those lands until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the gas board:

(4) If the Corporation for the purpose of executing any works in any lands acquired held appropriated or used under this Act reasonably require the removal of any apparatus placed in those lands and shall give to the gas board written notice of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed or if in consequence of the exercise of any of the powers of this Act the gas board shall reasonably require the removal of any apparatus the Corporation shall afford to the gas board the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Corporation and thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the

lands in which the alternative apparatus or such part thereof is to be constructed the gas board shall on receipt of a written notice to that effect from the Corporation forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

(5) (*a*) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of this section shall be constructed in such manner and in such line or situation as may be agreed between the gas board and the Corporation or in default of agreement settled by arbitration;

(*b*) The gas board shall after the alternative apparatus to be provided or constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the gas board of any such facilities and rights as are referred to in the last preceding paragraph of this section proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section:

(6) Notwithstanding anything in the last preceding paragraph of this section if the Corporation give notice in writing to the gas board that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation such work in lieu of being executed by the gas board shall be executed by the Corporation with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the gas board:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing installation bedding packing removal connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

(7) Where in accordance with the provisions of this section the Corporation afford to the gas board facilities and rights for the construction maintenance repair renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the gas board or in default of agreement determined by arbitration:

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Provided that in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through any of the works authorised by section 5 (Power to construct works) of this Act the arbitrator shall—

(*a*) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the said works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such works; and

(*b*) so far as it may be reasonable and practicable to do so in the circumstances of the particular case give effect to the terms and conditions applicable to the apparatus (if any) constructed through the lands of the Corporation for which the alternative apparatus is to be substituted:

Provided also that if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the gas board than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the arbitrator shall make such provision for the payment of compensation by the Corporation to the gas board in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(8) (*a*) Not less than twenty-eight days before commencing to execute any such works as are referred to in paragraph (4) of this section and are near to or will or may affect any apparatus the removal of which has not been required by the Corporation under the said paragraph (4) the Corporation shall submit to the gas board a plan section and description of the works to be executed;

(*b*) Such works shall be executed only in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the gas board for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the gas board shall be entitled by their officer to watch and inspect the execution of such works:

Provided that if the gas board within fourteen days after the submission to them of any such plan section

and description shall in consequence of the works proposed by the Corporation reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (4) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Corporation from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of any such works a new plan section and description thereof in lieu of the plan section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan section and description;

(*c*) The Corporation shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but in such a case they shall give to the gas board notice as soon as reasonably practicable and a plan section and description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(9) Where in consequence of this Act any part of any road bridleway or footpath in which any apparatus is situate ceases to be part of a road bridleway or footpath the gas board may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act but nothing in this paragraph shall prejudice or affect any right of the Corporation or of the gas board to require the removal of such apparatus under this section or the power of the Corporation to execute works in accordance with paragraph (8) of this section:

(10) (*a*) The Corporation shall pay to the gas board the costs charges and expenses reasonably incurred by the gas board in or in connection with the inspection removal alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph (4) of this section less the value of any apparatus which is removed in pursuance of the provisions of this section (such value being calculated after removal):

Provided that if the gas board construct apparatus of better type or of greater dimensions or of greater capacity than the existing apparatus the gas board shall

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bear such proportion of the cost of such construction as represents the amount by which such cost exceeds the cost which would have been incurred if the type dimensions or capacity of the apparatus so constructed had been the same as those of the existing apparatus;

(*b*) The Corporation shall also make compensation to the gas board—

(i) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(ii) for any other expenses loss damages penalty or costs incurred by the gas board;

by reason or in consequence of the execution maintenance user or failure of any such works or otherwise by reason or in consequence of the exercise by the Corporation of the powers of this Act:

(11) Where by reason or in consequence of the stopping up of any road bridleway or footpath under the powers of this Act any apparatus belonging to the gas board and laid or placed in such road bridleway or footpath or elsewhere is rendered derelict or unnecessary the Corporation shall pay to the gas board the then value of such apparatus (which shall thereupon become the property of the Corporation) and the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of such apparatus being so rendered derelict or unnecessary:

Provided that the Corporation shall not under the provisions of this paragraph be required to pay to the gas board the value of any apparatus rendered derelict or unnecessary if to the reasonable satisfaction of the gas board other apparatus shall at the expense of the Corporation have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict or unnecessary:

(12) Notwithstanding the stopping up temporarily of any road bridleway or footpath under the powers of section 10 (Temporary stoppage of roads bridleways and footpaths) of this Act the gas board their officers engineers and workmen shall be at liberty at all times to execute and do all such works and things in upon or under any such road bridleway or footpath as may be necessary for inspecting repairing maintaining renewing or removing any apparatus:

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(13) Any difference arising between the Corporation and the gas board under this section shall be settled by arbitration.

For protection of Manchester Ship Canal Company.

85. For the protection of the company the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect:—

(1) In and for the purposes of this section—

" the chief engineer " means the chief engineer of the company;

" the company " means the Manchester Ship Canal company;

" the river Weaver work " means so much of the aqueduct or line or lines of pipes (Work No. 19) as will be situate over or across the river Weaver or within twenty-five feet of the high-water mark of ordinary tides on both banks thereof and includes any works constructed in connection with the said portion of Work No. 19;

" the ship canal " means the Manchester Ship Canal;

" the specified works " means—

(*a*) the shaft and tunnel (Work No. 22); and

(*b*) so much of Work No. 19 as will be situate under the Bridgewater Canal or within a distance of twenty-five feet from either side thereof;

and includes any works constructed in connection with either Work No. 22 or the said portion of Work No. 19:

(2) Not less than three months before commencing to construct the river Weaver work or any of the specified works the Corporation shall submit to the chief engineer for his reasonable approval plans sections particulars and specifications thereof and if the chief engineer fails to signify his approval or disapproval thereof within three months after the submission to him of such plans sections particulars and specifications he shall be deemed to have approved the same:

(3) At any time within the said period of three months the chief engineer may by notice in writing to the Corporation signify his disapproval of such plans sections particulars and specifications and may in the case of the specified works require the construction (at the expense of the Corporation) of such works (hereinafter referred to as " protective works ") as the chief engineer may reasonably consider necessary to ensure the stability of the

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ship canal or the Bridgewater Canal (as the case may be) or to protect the same from injury or to prevent interference with the traffic thereon:

(4) If the chief engineer within the said period of three months signifies his disapproval of such plans sections particulars and specifications or requires the construction of any protective works and the Corporation and the chief engineer fail to agree with regard thereto such difference shall be referred to arbitration:

(5) (*a*) The river Weaver work the specified works and the protective works (if any) shall not be constructed except in accordance with such plans sections particulars and specifications as may be approved (or deemed to be approved) by the chief engineer or in case of difference as may be settled by arbitration and in the case of the specified works at such times and in such manner as he may reasonably approve or in case of difference as may be settled by arbitration;

(*b*) The specified works shall not be constructed so as to obstruct or impede the uninterrupted and safe use of the ship canal or the Bridgewater Canal (as the case may be) or the traffic thereon or the conduct of the undertaking of the company:

(6) The river Weaver work the specified works and the protective works (if any) shall be maintained by the Corporation at their own expense and to the reasonable satisfaction of the chief engineer in all respects and the Corporation shall at all times afford reasonable facilities to the chief engineer for access to any of the said works during the construction or on the carrying out of any works of maintenance thereof and shall supply to the chief engineer all such information as he may reasonably require with regard to any of the said works or the method of construction thereof:

(7) The Corporation shall bear and pay to the company the expense of the employment by the company of such reasonable number of inspectors or watchmen for watching and regulating the traffic upon the ship canal the Bridgewater Canal and the railways of the company for such period as may be agreed between the company and the Corporation or in default of agreement determined by arbitration during the construction of the specified works and the protective works (if any):

Provided that the Corporation shall not be liable to make any payment to the company under this paragraph unless at least forty-eight hours before incurring any

liability in respect of the employment of inspectors or watchmen as aforesaid the company shall have given notice to the Corporation of their intention to do so:

(8) (*a*) The Corporation shall at their own expense during the construction of the specified works and during any repair or maintenance thereof exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps as the company may reasonably require for the prevention of danger to navigation on the ship canal or on the Bridgewater Canal (as the case may be);

(*b*) If the Corporation fail to comply in any respect with the provisions of this paragraph they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty of two pounds for every day on which after conviction thereof they so fail:

(9) Notwithstanding anything in this Act or shown upon the deposited plans and sections the Corporation shall not in constructing the said works deviate—

(*a*) in the case of the top of the tunnel comprised in Work No. 22 upwards from a level of 34·5 feet below ordnance datum; or

(*b*) in the case of so much of Work No. 19 as will be situate under or within a distance of twenty-five feet from either side of the Bridgewater Canal upwards from the level of that work shown upon the deposited sections relating thereto; or

(*c*) in the case of the river Weaver work downwards from the level of that work shown upon the deposited sections relating thereto:

(10) The Corporation shall save harmless and indemnify the company against all damages losses costs expenses and liabilities which the company may suffer or incur and against all claims demands actions and proceedings which may be made or taken against the company by reason or in consequence of any damage or injury whatsoever which may arise or be occasioned by reason or in consequence of or in connection with the construction user maintenance or failure of the river Weaver work or the specified works:

(11) The Corporation shall on demand make good to the company any additional costs charges or expenses which the company may incur in complying with any statutory obligation in force at the passing of this Act to dredge or maintain a channel in the river Weaver

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or any part thereof by reason or in consequence of the construction user maintenance or failure of so much of Work No. 19 as is on over or across that river or the banks thereof:

(12) Notwithstanding anything contained in Part III (Lands) of this Act the Corporation shall not otherwise than by agreement with the company purchase for the purposes of this Act any property or land or interest in land held by the company or acquire any easement in over or in respect of such property or land or interest in land other than such easement as the Corporation may reasonably require for the construction user maintenance repair and renewal of the works authorised by this Act:

(13) The Corporation shall not at any time exercise in relation to any part of the ship canal or of the Bridgewater Canal the powers conferred upon them by section 29 (Power to divert rivers streams etc.) of this Act:

(14) Any difference which may arise between the Corporation on the one hand and the company or the chief engineer on the other hand under this section or with reference thereto shall be settled by arbitration.

For protection of Rimrose Brook Joint Sewerage Board.

86. For the protection of the Rimrose Brook Joint Sewerage Board (hereafter in this section referred to as " the board ") the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

(1) No waters intercepted or taken under section 44 (Power to purchase additional lands by agreement) of this Act shall be discharged directly into any sewer of the board:

(2) No waters intercepted or taken under section 44 (Power to purchase additional lands by agreement) of this Act shall be discharged into any sewer of the board through the sewers of the Bootle Corporation or the Litherland Urban District Council without the consent of the board and of the constituent authorities of the board which consents may be given subject to such reasonable terms and conditions as the board or the constituent authorities of the board may think fit but no such consent shall be unreasonably withheld:

(3) Any question whether or not any such consent is or is not unreasonably withheld or whether such terms or conditions are or are not reasonable shall be determined by the Minister.

PART VII —*cont.*

For protection of Runcorn District Water Board and West Cheshire Water Board.

87. For the protection of the Runcorn District Water Board and the West Cheshire Water Board (each of whom is in this section referred to as " the board ") the following provisions shall unless otherwise agreed in writing between the Corporation and the board concerned apply and have effect:—

(1) In this section—

" apparatus " means water mains pipes and apparatus belonging to the board or for the maintenance of which they are responsible (not being apparatus in respect of which the relations between the Corporation and the board are regulated by the provisions of Part III of the Public Utilities Street Works Act 1950) and includes any structure for the lodging therein of apparatus;

" adequate alternative apparatus " means alternative apparatus adequate to enable the board to fulfil their statutory functions in a manner not less efficiently than previously;

" in " in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under over or upon land:

(2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire any apparatus otherwise than by agreement:

(3) If the Corporation in the exercise of the powers of this Act acquire any interest in any lands in which any apparatus is placed they shall not remove that apparatus or extinguish any right of the board to maintain repair renew or inspect that apparatus in those lands until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the board:

(4) If the Corporation for the purpose of executing any works in any lands acquired held appropriated or used under this Act reasonably require the removal of any apparatus placed in those lands and shall give to the board written notice of such requirement together with a plan and section of the work proposed and of the proposed position of the alternative apparatus to be provided or constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed or if in consequence of the exercise of any of the powers of this Act the board shall reasonably require the removal of any apparatus the Corporation shall afford to the board

PART VII —*cont.*

the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Corporation and thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed the board shall on receipt of a written notice to that effect from the Corporation forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

(5) (*a*) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of this section shall be constructed in such manner and in such line or situation as may be agreed between the board and the Corporation or in default of agreement settled by arbitration;

(*b*) The board shall after the alternative apparatus to be provided or constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the board of any such facilities and rights as are referred to in the last preceding paragraph of this section proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section:

(6) Notwithstanding anything in the last preceding paragraph of this section if the Corporation give notice in writing to the board that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation such work in lieu of being executed by the board shall be executed by the Corporation with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the board:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing installation bedding packing removal connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

(7) Where in accordance with the provisions of this section the Corporation afford to the board facilities and rights for the construction maintenance repair renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the board or in default of agreement determined by arbitration:

Provided that in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through any of the works authorised by section 5 (Power to construct works) of this Act the arbitrator shall—

(*a*) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient operation of the said works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such works; and

(*b*) so far as it may be reasonable and practicable to do so in the circumstances of the particular case give effect to the terms and conditions applicable to the apparatus (if any) constructed through the lands of the Corporation for which the alternative apparatus is to be substituted:

Provided also that if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the board than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the arbitrator shall make such provision for the payment of compensation by the Corporation to the board in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(8) (*a*) Not less than twenty-eight days before commencing to execute any such works as are referred to in paragraph (4) of this section and are near to or will or may affect any apparatus the removal of which has not been required by the Corporation under the said paragraph (4) the Corporation shall submit to the board a plan section and description of the works to be executed;

PART VII —*cont.*

(*b*) Such works shall be executed only in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the board for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the board shall be entitled by their officer to watch and inspect the execution of such work:

Provided that if the board within fourteen days after the submission to them of any such plan section and description shall in consequence of the works proposed by the Corporation reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (4) thereof:

Provided also that nothing in this sub-paragraph shall preclude the Corporation from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of any such works a new plan section and description thereof in lieu of the plan section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan section and description;

(*c*) The Corporation shall not be required to comply with sub-paragraph (*a*) of this paragraph in a case of emergency but in such a case they shall give to the board notice as soon as reasonably practicable and a plan section and description of the works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of this paragraph so far as reasonably practicable in the circumstances:

(9) Where in consequence of this Act any part of any road bridleway or footpath in which any apparatus is situate ceases to be part of a road bridleway or footpath the board may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act but nothing in this paragraph shall prejudice or affect any right of the Corporation or of the board to require the removal of such apparatus under this section or the power of the Corporation to execute works in accordance with paragraph (8) of this section:

(10) (*a*) The Corporation shall pay to the board the costs charges and expenses reasonably incurred by the board in or in connection with the inspection removal alteration or protection of any apparatus or the construction of any new apparatus which may be required

in consequence of the execution of any such works as are referred to in paragraph (4) of this section less the value of any apparatus which is removed in pursuance of the provisions of this section (such value being calculated after removal):

Provided that if the board construct apparatus of better type or of greater dimensions or of greater capacity than the existing apparatus the board shall bear such proportion of the cost of such construction as represents the amount by which such cost exceeds the cost which would have been incurred if the type dimensions or capacity of the apparatus so constructed had been the same as those of the existing apparatus;

(*b*) The Corporation shall also make compensation to the board—

(i) for any damage caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal in accordance with the provisions of this section); and

(ii) for any other expenses loss damages penalty or costs incurred by the board by reason or in consequence of the execution maintenance user or failure of any such works or otherwise by reason or in consequence of the exercise by the Corporation of the powers of this Act:

(11) Where by reason or in consequence of the stopping up of any road bridleway or footpath under the powers of this Act any apparatus belonging to the board and laid or placed in such road bridleway or footpath or elsewhere is rendered derelict or unnecessary the Corporation shall pay to the board the then value of such apparatus (which shall thereupon become the property of the Corporation) and the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason or in consequence of such apparatus being so rendered derelict or unnecessary:

Provided that the Corporation shall not under the provisions of this paragraph be required to pay to the board the value of any apparatus rendered derelict or unnecessary if to the reasonable satisfaction of the board other apparatus shall at the expense of the Corporation have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict or unnecessary:

PART VII —*cont.*

(12) Notwithstanding the stopping up temporarily of any road bridleway or footpath under the powers of section 10 (Temporary stoppage of roads bridleways and footpaths) of this Act the board their officers engineers and workmen shall be at liberty at all times to execute and do all such works and things in upon or under any such road bridleway or footpath as may be necessary for inspecting repairing or maintaining any apparatus:

(13) Any difference arising between the Corporation and the board under this section shall be settled by arbitration.

For protection of Imperial Chemical Industries Limited.

88. Notwithstanding anything in this Act or shown upon the deposited plans the Corporation shall not under the powers of this Act enter upon take or use any part of the lands numbered on the deposited plans respectively 7 15 17 18 24 25 and 26 in the parish of Sutton and 17 to 21 25 30 31 33 to 38 41 to 46 and 48 to 50 in the parish of Norton all in the rural district of Runcorn in the county of Chester and 61 and 62 in the borough of Widnes and 12 in the parish of Cuerdley in the rural district of Warrington in the county of Lancaster but the Corporation may pursuant to section 39 (Power to acquire easements only) of this Act acquire such easements and rights in those lands as they may reasonably require for the purpose of constructing using and maintaining and of obtaining access to Works Nos. 19 20 21 22 and 26.

For protection of owners of Knowsley Estate.

89. For the protection of the owner or owners for the time being of each and every part of the property (hereinafter referred to as "the Knowsley Estate") now or at any time or times hereafter comprising the Knowsley Estate at Prescot in the county of Lancaster (including the land shown coloured pink on a plan signed in duplicate by William David Douglas Evans on behalf of the present owner of the Knowsley Estate and by Thomas Alker on behalf of the Corporation) the following provisions shall unless otherwise agreed in writing between the Corporation and the said owner or owners apply and have effect:—

(1) The Corporation shall not under any of the powers of this Act at any time or times prevent or obstruct the use of the routes shown coloured blue on the plan signed as aforesaid by any person or persons passing to or from any part or parts of the Knowsley Estate with or without animals equipment carts machines tractors motor cars and other vehicles laden or unladen unless and until the Corporation shall have provided a new road on the route shown coloured red on the said plan the said new road not being of a lesser average width or of a lower standard of construction than the existing roads on the said routes shown coloured blue:

PART VII —*cont.*

(2) Subsection (2) of section 35 (Acquisition of part only of certain properties) of this Act shall in relation to the said owner or owners apply and have effect as if the said land shown coloured pink on the plan signed as aforesaid formed one park or garden belonging to a house.

PART VIII

GENERAL

Repeal and amendment of enactments.

90.—(1) The enactments specified in the first column of the Second Schedule to this Act are hereby repealed to the extent specified in the second column of the said Second Schedule.

(2) As from the passing of this Act the enactments specified in the first column of the Third Schedule to this Act shall have effect subject to the amendments specified in the second column of the said Third Schedule.

Saving for town and country planning.

91. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Arbitration.

92. Where under this Act any question or dispute is to be referred to or determined by an arbitrator or arbitration then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of any party to the dispute (after notice in writing to the others of them).

Costs of Act.

93. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund of the city or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act.

SCHEDULES

Section 58

FIRST SCHEDULE

MODIFICATIONS OF PROVISIONS OF THE THIRD SCHEDULE TO THE WATER ACT 1945 APPLIED AND INCORPORATED

Provisions	Modifications
Section 12 (Map of underground works to be prepared and kept up to date)	For the words "within six months after the first occasion" in subsection (1) there shall be substituted the words "within three years after the first occasion".
Section 19 (Power to lay mains)	The expression "main" shall be deemed to include discharge pipes or drains.
Section 30 (Right to demand supply for domestic purposes)	After subsection (1) there shall be inserted the following subsection:— "(1A) Nothing in subsection (1) of this section shall prevent the undertakers from agreeing to provide a supply of water from a trunk main or affect their liability in respect of any such agreement whether made before or after the passing of the Liverpool Corporation Act 1957."
Section 39 (Duty of undertakers as respects constant supply and pressure)	For the words "to the top of the top-most storey" in subsection (1) there shall be substituted the words "to an altitude of thirty-five feet above the ground level".
Section 43 (Power to break open streets forming boundary of limits of supply)	After the words "and removing" there shall be inserted the words "mains and".
Section 60 (Power to require provision of cisterns in certain cases)	For subsection (1) there shall be substituted the following subsection:— "(1) The undertakers may require that any house or building supplied by them shall be provided to the satisfaction of the undertakers with a cistern having a ball and stopcock fitted on the pipe conveying water to it." In subsection (2) for the words "his building" there shall be substituted the words "his house or building"; and for the words "the building" there shall be substituted the words "the house or building".

1ST SCH. —*cont.*

Provisions	Modifications
ction 63 (Power to repair supply pipes)	For the words "may be settled by the court" in subsection (2) there shall be substituted the words "may be settled by the water engineer of the undertakers or other officer duly authorised in that behalf by the undertakers".
ection 64 (Penalty for waste &c. of water by non-repair of water fittings)	The modifications specified in the schedule to the Local Government (Miscellaneous Provisions) Act 1953.

SECOND SCHEDULE

Section 90

ENACTMENTS REPEALED

Enactment	Extent of repeal
Liverpool Corporation Act 1921—	
Section 59 (Waterworks Clauses Act 1847 to apply to works in streets)	The whole section.
Section 61 (Limiting powers of Corporation to abstract water)	The whole section.
Section 62 (Further powers in relation to water mains)	The whole section.
Section 68 (For protection of county councils)	Paragraphs (1) to (4).
Section 69 (For protection of certain other road authorities)	Paragraphs (1) to (4).
Section 80 (For protection of River Weaver Navigation)	The words "or in the Waterworks Clauses Acts 1847 and 1863" in paragraph (7).
Section 86 (Exercise of powers of section 12 of Waterworks Clauses Act 1847)	The whole section.
Section 94 (Constant supply and pressure)	The whole section.
Section 99 (Charge for supply by meter to private consumers)	The whole section.
Section 103 (Special provisions applicable to supply in Chorley)	Paragraph (4).
Section 104 (Rate for supply of water for public purposes)	The whole section.
Section 106 (Poor rates within water limits may be inspected and copied)	The whole section.
Section 108 (Supply not to be rendered to premises without cisterns)	The whole section.
Section 109 (Supply of water to baths)	The whole section.
Section 116 (Byelaws as to water fittings)	The whole section.
Section 117 (Corporation not bound to supply several houses by one pipe)	The whole section.
Section 118 (Notice of discontinuance)	The whole section.
Section 119 (Power to sell meters)	The whole section.

2ND SCH. —*cont.*

Enactment	Extent of repeal
In the Sixth Schedule—	
Section LXXXIII (Corporation to set up Indicators of the main pipes) of the Liverpool Corporation Waterworks Act 1847	The whole section.
Section XCV (Corporation to supply water for roadside Troughs) of the said Act of 1847	The whole section.
Section CXX (Provisions of 10 and 11 Vict. c. 17 as to fire plugs extended to works of Corporation in St. Helens) of the said Act of 1847	The whole section.
Section 22 (For protection of William Hesketh Lever) of the Liverpool Corporation Act 1902	The whole section.
Liverpool Corporation Act 1927—	
Section 127 (Power to Corporation to repair communication pipes)	The whole section.
Section 128 (Power to person liable to maintain pipes &c. to open ground)	The whole section.
Section 129 (Penalty for closing valves and apparatus)	The whole section.
Section 130 (Penalty for opening valves &c.)	The whole section.
Section 131 (Cleansing of cisterns)	The whole section.
Liverpool Corporation (Works) Act 1930—	
Section 25 (As to streets and roads forming boundary of water limits)	The whole section.
Section 26 (Corporation to connect communication pipes with mains)	The whole section.
Section 27 (Maintenance of common pipe)	The whole section.
Section 28 (As to provision of separate pipe)	The whole section.
Liverpool Corporation Act 1936—	
Section 30 (Supply of water by Corporation to areas outside water limits)	The whole section.
Section 34 (Extension of power to inspect premises)	The whole section.
Section 35 (Penalty for waste or misuse)	The whole section.
Section 36 (Fittings let on hire not to be subject to distress &c.)	The whole section.
Section 37 (Amendment of section 116 of the Act of 1921)	The whole section.

THIRD SCHEDULE

Section 90

ENACTMENTS AMENDED

Enactment	Amendment
The Liverpool Corporation Act 1921—	
Section 87 (Provisions as to old waterworks undertaking)	For the words " section 25 of the Waterworks Clauses Act 1847 " in paragraph (1) there shall be substituted the words " section 16 of the Third Schedule to the Water Act 1945 " and for the words " the Waterworks Clauses Act 1847 " in paragraph (3) there shall be substituted the words " Part IV of the Third Schedule to the Water Act 1945 ".
Section 91 (Power of Corporation to supply water to local authorities and others)	For the words " sections 29 to 34 of the Waterworks Clauses Act 1847 " in subsection (2) there shall be substituted the words " Parts V and VI of the Third Schedule to the Water Act 1945 ".
Section 102 (Special provisions applicable to supply in Bootle)	For the words " the section of this Act whereof the marginal note is ' Constant supply and pressure ' " in paragraph (5) there shall be substituted the words " section 39 of the Third Schedule to the Water Act 1945 as applied and incorporated with modifications by the Liverpool Corporation Act 1957 " and for the words " Waterworks Clauses Act 1847 " there shall be substituted the words " Third Schedule to the Water Act 1945 ".
Section 103 (Special provisions applicable to supply in Chorley)	After the words " Notwithstanding anything contained in this Act " there shall be inserted the words " or in the Third Schedule to the Water Act 1945 as applied and incorporated by the Liverpool Corporation Act 1957 ".
Section 110 (Water-closets to be provided with proper apparatus to prevent waste of water)	For the words " the net annual value of thirteen pounds " in subsection (2) there shall be substituted the words " such limit of value as may from time to time be determined by the Corporation as the limit of value for the purposes of subsection (1) of section 11 of the Rating and Valuation Act 1925 by a resolution made under the said subsection (1) ".

3RD SCH. —*cont.*

Enactment	Amendment
Section 111 (Power to supply ships)	For the words "the sum of two shillings" in subsection (2) there shall be substituted the words "such reasonable sum as the Corporation may from time to time determine" and at the end of the said subsection (2) there shall be inserted the words "and for the services and facilities provided by the Corporation".
Sixth Schedule— Liverpool Corporation Waterworks Act 1847— Section LII (Quantity of water to be discharged for the supply of the several streams)	For the words "seven million five hundred thousand gallons" there shall be substituted the words "five million six hundred and sixty-five thousand gallons".
Liverpool Corporation Waterworks Act 1880— Section 31 (Power to acquire mines)	After the words "the deposited plans" there shall be inserted the words "and under any of the lands shown on the plans deposited in connection with the Liverpool Corporation Act 1957" and for the words "section 18 of the Waterworks Clauses Act 1847" there shall be substituted the words "Part IV of the Third Schedule to the Water Act 1945".

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845	8 & 9 Vict. c. 20.
Waterworks Clauses Act 1847	10 & 11 Vict. c. 17.
Liverpool Corporation Waterworks Act 1847	10 & 11 Vict. c. cclxi.
Lands Clauses Consolidation Acts Amendment Act 1860	23 & 24 Vict. c. 106.
Railways Clauses Act 1863	26 & 27 Vict. c. 92.
Waterworks Clauses Act 1863	26 & 27 Vict. c. 93.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Liverpool Corporation Waterworks Act 1880	43 & 44 Vict. c. cxliii.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Liverpool Corporation Act 1902	2 Edw. 7 c. ccxl.

Short title	Session and chapter
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Liverpool Corporation Act 1921	11 & 12 Geo. 5 c. lxxiv.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Liverpool Corporation Act 1927	17 & 18 Geo. 5 c. lxxxviii.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
Liverpool Corporation (Works) Act 1930	20 & 21 Geo. 5 c. liv.
Calvinistic Methodist or Presbyterian Church of Wales Act 1933	23 & 24 Geo. 5 c. xxxvii.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Liverpool Corporation Act 1936	26 Geo. 5 & 1 Edw. 8 c. cxxii.
Trunk Roads Act 1936	1 Edw. 8 & 1 Geo. 6 c. 5.
London Midland and Scottish Railway Act 1944	8 & 9 Geo. 6 c. i.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Trunk Roads Act 1946	9 & 10 Geo. 6 c. 30.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Fire Services Act 1947	10 & 11 Geo. 6 c. 41.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Water Act 1948	11 & 12 Geo. 6 c. 22.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
River Boards Act 1948	11 & 12 Geo. 6 c. 32.
Lands Tribunal Act 1949	12, 13 & 14 Geo. 6 c. 42.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Dee and Clwyd River Board Act 1951 ...	14 & 15 Geo. 6 c. xxi.
Rivers (Prevention of Pollution) Act 1951	14 & 15 Geo. 6 c. 64.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Local Government (Miscellaneous Provisions) Act 1953	1 & 2 Eliz. 2 c. 26.
British Transport Commission Act 1954 ...	2 & 3 Eliz. 2 c. lv.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

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