CHAPTER xcvi.

An Act to authorise the Malvern Local Board to construct additional Waterworks for the supply of Water to their district and for other purposes. [3rd July 1891.]

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WHEREAS by the Malvern Improvement Act 1851 commissioners were appointed for carrying that Act into execution within certain parts of the parish of Great Malvern in the county of Worcester:

And whereas the said Act confers general powers upon the commissioners for the improvement of the district included within the limits of the Act and amongst other powers it authorises them to construct sewers waterworks and gasworks and to levy certain rates videlicet a general improvement rate a highway rate sewer rates and a waterworks rate:

And whereas in the year one thousand eight hundred and sixty-seven the commissioners adopted the provisions of the Local Government Act 1858 and became a local board (herein-after referred to as "the Local Board") and the district of the Local Board has under and by the authority of the Public Health Act 1875 become an urban sanitary district of which the Local Board is the urban sanitary authority:

And whereas the following Acts and Provisional Orders are in force within the district (that is to say):—

The Malvern Improvement Act 1851;

The Malvern Improvement Amendment Act 1858;

A Provisional Order dated the 10th day of June 1867 confirmed by the Local Government Supplemental Act 1867 (No. 5);

A Provisional Order dated the 19th day of May 1868 confirmed by the Local Government Supplemental Act 1868 (No. 5);

A Provisional Order dated the 2nd day of June 1871 confirmed by the Local Government Supplemental Act 1871 (No. 4);

A Provisional Order dated the 11th day of June 1875 confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1875;

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A Provisional Order dated the 27th day of April 1883 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1883;

A Provisional Order dated the 3rd day of April 1884 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1884; and

The Malvern Hills Act 1884:

And whereas by the said Provisional Order dated the second day of June 1871 (herein-after referred to as "the Order of 1871") it was among other things provided that from and after the expiration of twelve months next after the passing of the Act confirming that Order or at such earlier period as the Local Board should determine no waterworks rate should be made assessed or levied by the Local Board but only one rate called the general district rate and that the Local Board should supply water for domestic purposes by measure to be ascertained by meter:

And whereas by the Order of 1871 it was further provided that the water rent to be levied in respect of premises of a greater rateable value than ten pounds should not exceed one shilling for every one thousand gallons and that the water rent to be levied in respect of premises of a rateable value of ten pounds and under should not exceed sixpence for every one thousand gallons:

And whereas it is expedient that the maximum water rents of one shilling and sixpence respectively should be varied and also that the Local Board should be authorised as herein-after provided to abandon the charge by meter and to charge for water supplied for domestic purposes not according to the quantity of water supplied but according to the rateable value of the premises so supplied:

And whereas it is expedient to increase and improve the supply of water to the district in manner and subject to the conditions herein-after provided and for those purposes to make and maintain the works herein-after mentioned:

And whereas estimates have been prepared by the Local Board for the purchase of land for and the execution of the waterworks road diversion and other works by this Act authorised and such estimates amount to the sum of sixty thousand pounds:

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875:

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

And whereas an absolute majority of the whole number of the members of the Local Board at a meeting held on the thirtieth day

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of October one thousand eight hundred and ninety after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Malvern Advertiser" a local newspaper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate of the district:

And whereas such resolution was published twice in the "Malvern Advertiser" a newspaper circulating in the district and has received the approval of the Local Government Board:

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and buildings required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Worcester and are herein-after respectively referred to as the deposited plans sections and 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:—

Short title.

1. This Act may be cited as the Malvern Water Act 1891.

Incorporation of general Acts.

2. The Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 (except the provisions of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words in section 44 of that Act "with the consent "in writing of the owner or reputed owner of any such house or of "the agent of such owner") and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary

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occupation of lands near the railway during the construction thereof (except where the same Acts and parts or provisions of Acts respectively are varied by or inconsistent with this Act) shall be incorporated herewith and form part of this Act and the provisions of the Railways Clauses Consolidation Act 1845 shall be read so as to apply only to the construction of the reservoir and road diversion by this Act authorised and the works immediately connected therewith and as if such reservoir and road diversion were therein referred to instead of "the railway" and as if the boundaries of the said reservoir and road diversion were therein mentioned instead of "the centre of the railway" and the prescribed limits shall be as shown on the deposited plans.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the district" shall mean the district of the Local Board and in the Acts wholly or partially incorporated with this Act and also in this Act the expression "the promoters of the undertaking" "the undertakers" or "the Company" shall mean the Local Board and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be executed by Local Board.

4. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Act 1875.

Water limits.

5. The limits of this Act for the supply of water (in this Act called "the water limits") shall be the district of the Local Board in the county of Worcester..

Pressure.

6. The water to be supplied from any main or pipe of the Local Board need not be supplied in any case at a level above or at a greater pressure than can be supplied or afforded by gravitation from the service reservoirs or tanks from which the supply shall be taken.

Power for Local Board to supply water.

7. Subject to the provisions of this Act the Local Board by means of the works by this Act authorised to be made or any of them may from time to time supply water within the water limits and may sell and dispose of the water within the water limits as they from time to time think fit.

Power to construct waterworks &c.

8. Subject to the provisions of this Act the Local Board may make and maintain the reservoir filters tanks catchwater drains conduits lines of pipes road diversion and other works shown on the deposited plans together with all necessary works and conveniences connected therewith or incident thereto in the lines and situation upon the levels and in over or upon the lands delineated on the deposited plans and sections and described in the deposited book of reference and for those purposes may enter upon take impound divert and use all or any of the lands springs and waters delineated on the deposited plans and described in the deposited book of reference or which can or may be intercepted or taken by the said waterworks or works by this Act authorised in connexion therewith.

Works authorised.

9. The works by this Act authorised and herein-before referred to are wholly situate in the county of Worcester and comprise the following (that is to say):—

(1) A storage reservoir (to be called the British Camp Reservoir) at Rabbit Warren Farm and wholly within the parish of Little Malvern to be formed by means of an embankment eight chains or thereabouts in length across the valley of the stream rising near the house known as Warren House and flowing past Hill Farm at a point distant two hundred and four yards or thereabouts measured in an easterly direction from the north-eastern corner of the Warren House and to extend from the said embankment in a westerly direction to and terminate at a point in the said stream distant five yards or thereabouts measured in a south-westerly direction from the south-western corner of the garden or enclosure numbered 73 on the Ordnance map of the parish of Little Malvern;

(2) A filter or filters and a pure water tank or tanks wholly in the parish of Little Malvern and on the Hill pasture land numbered 77 on the Ordnance map of that parish;

(3) A road diversion wholly in the parish of Little Malvern of the road running outwith and along the south-western side of the plantation or enclosure numbered 32 on the Ordnance map of the parish of Little Malvern and the north-eastern side of the field or enclosure numbered 72 on the said Ordnance map such road diversion commencing at a point in the said road distant two hundred and twenty yards or thereabouts measured in a south-easterly direction from the south-western corner of the said plantation or enclosure numbered 32 on the said Ordnance map and terminating at a point in the said road distant fifty yards or thereabouts measured in a north-westerly

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direction from the south-western corner of the said plantation or enclosure;

(4) A catchwater drain wholly in the parish of Little Malvern commencing in the Hill pasture land numbered 79 on the said Ordnance map at a point distant two hundred and thirty yards or thereabouts measured in a south-westerly direction from the south-western corner of the field or enclosure numbered 78 on the said Ordnance map and terminating at a point distant twenty-two yards or thereabouts measured in a south-easterly direction from the north-eastern corner of the orchard or enclosure numbered 75 on the said Ordnance map;

(5) A conduit or line of pipes (Conduit No. 1) commencing in the parish of Little Malvern in the storage reservoir herein-before described at a point distant five yards or thereabouts measured in a southerly direction from the south-eastern corner of the field or enclosure numbered 72 on the said Ordnance map and terminating in the town and parish of Great Malvern at a point in the centre of Worcester Road opposite the southern end of the Foley Arms Hotel which conduit or line of pipes will be situate in and will pass from in through or into the parishes of Little Malvern Welland Hanley Castle and Great Malvern or some or one of them;

(6) A catchwater drain wholly in the parish of Great Malvern commencing at the southern boundary of the Hill pasture land numbered 157 on the said Ordnance map at a point distant fifteen yards or thereabouts measured along the said boundary in a north-westerly direction from the western side of Wyche Road and terminating near the north-eastern side of the said Hill pasture land at a point distant ten yards or thereabouts measured in a south-easterly direction from the southernmost corner of the Well House at Saint Ann's Well;

(7) A catchwater drain wholly in the parish of Great Malvern commencing in the Green Valley at a point distant one hundred and thirty-seven yards or thereabouts measured in a north-westerly direction from the northernmost corner of the Well House at Saint Ann's Well and terminating in the Hill pasture land numbered 131 on the said Ordnance map at a point distant three hundred and thirty yards or thereabouts measured in a north-easterly direction from the south-western corner of the said Hill pasture land;

(8) A conduit or line of pipes (Conduit No. 2) wholly in the parish of Great Malvern commencing by a junction with Conduit No. 1 herein-before described at a point distant three hundred and twenty yards or thereabouts in a southerly

direction from the south-eastern corner of the fence forming the enclosure numbered 159 on the said Ordnance map and terminating at a point distant one hundred and three yards or thereabouts in a westerly direction from the south-western corner of the fence forming said enclosure numbered 159 on the said Ordnance map;

(9) A conduit or line of pipes (Conduit No. 3) wholly in the parish of Great Malvern commencing by a junction with Conduit No. 1 herein-before described at a point in Wells Road distant one hundred yards or thereabouts in a northerly direction from its point of junction with the southern end of Abbey Road and terminating at a point distant one hundred and thirty-five yards or thereabouts measured in a north-westerly direction from its point of commencement as herein-before described;

(10) A conduit or line of pipes (Conduit No. 4) wholly in the parish of Great Malvern commencing by a junction with Conduit No. 1 at a point in Wells Road distant four hundred and seventy yards or thereabouts in a northerly direction from its point of junction with the southern end of Abbey Road and terminating at a point distant one hundred and ninety-five yards or thereabouts in a westerly direction from its point of commencement as herein-before described;

(11) A conduit or line of pipes (Conduit No. 5) wholly in the parish of Great Malvern commencing by a junction with Conduit No. 1 at a point distant thirty yards or thereabouts in a southerly direction from the south-western corner of the Foley Arms Hotel and terminating at a point distant one hundred and thirty-seven yards or thereabouts measured in a north-westerly direction from the northernmost corner of the Well House at Saint Ann's Well;

(12) A conduit or line of pipes (Conduit No. 6) wholly in the parish of Great Malvern commencing by a junction with Conduit No. 5 at a point distant one hundred and eighty-two yards or thereabouts measured in a westerly direction from the south-western corner of the Foley Arms Hotel and terminating at a point distant three hundred and sixty yards or thereabouts measured in a southerly direction from the south-western corner of the field or enclosure numbered 147 on the said Ordnance map.

For protection of Malvern Hills.

10. Notwithstanding anything in this Act contained the Local Board shall not acquire under the authority of this Act any greater quantity in the aggregate than two acres of any lands subject for the time being to the provisions of the Malvern Hills Act 1884 The Local Board shall not on any of the lands to be so acquired

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sink any well or construct any works whatever for the purpose of abstracting underground water but nothing herein contained shall be construed so as to prevent the construction and maintenance of the intakes catchwater drains and lines of pipes shown on the deposited plans and the taking and impounding of any water which can be intercepted thereby and the Local Board shall not acquire for the purposes of the catchwater drains and conduits or lines of pipes by this Act authorised to be constructed any part of the lands subject for the time being to the provisions of the Malvern Hills Act 1884 but where any of the said catchwater drains conduits or lines of pipes are to be laid and made in upon or under such lands the Local Board may acquire an easement or right of laying making and maintaining the same.

Compensation water.

11.—(1) The Local Board shall before and as a prior condition to their taking appropriating and using for the supply of their district any of the springs or waters naturally flowing into or which can or may be intercepted by or by means of the catchwater drain No. 4 by this Act authorised and led into the storage reservoir by this Act authorised during every day deliver from the said reservoir into the said stream flowing past Hill Farm at a point situate not more than one hundred yards from the foot of the outer slope of the embankment of the said storage reservoir not less than twenty-eight thousand gallons of water such delivery to be as nearly as possible regular and continuous throughout each day.

(2) The Local Board shall provide and at all times maintain a suitable gauge weir for measuring the quantity of water delivered from the reservoir in pursuance of this section.

(3) The gauge weir shall at all reasonable times be open to the inspection and examination of any riparian owner on the said stream.

(4) If at any time the said gauge weir be out of repair or in an unfit condition for the purpose for which it is intended the Local Board shall forthwith put the same in fit repair and condition.

(5) The provisions of this section shall be accepted and taken by all persons interested in the waters of the said stream as full compensation for the waters which can be taken appropriated and used by or by means of the works by this Act authorised or any of them.

For the protection of the Great Western Railway Company.

12. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company") the following provisions shall apply :—

(A) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs

or renewals of any mains pipes or other works in the exercise of the powers of the Local Board by virtue of the provisions of this Act upon across over under or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of an engineer appointed for that purpose by the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or in the event of any dispute or difference between such engineer and the engineer of the Local Board then in such manner as shall be settled by arbitration as herein-after provided;

(B) All such work shall be done by and at the expense of the Local Board who shall also restore and make good to the reasonable satisfaction of the Great Western Company's engineer the roads over any bridges level crossings and approaches which the Great Western Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Local Board under the provisions of this Act Provided always that should the Great Western Company elect so to do, where any mains or pipes authorised by this Act require to be laid under any level crossing of their railway they may themselves lay the same at the reasonable costs charges and expenses of the Local Board;

(C) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon;

(D) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leaking or failing of any such mains pipes culverts or works in under or near to any property or works of the Great Western Company the Local Board shall make compensation to the Great Western Company in respect thereof the amount of such compensation to be determined by arbitration in the manner herein-after provided;

(E) The Local Board shall acquire only such an easement across over or under any of the railways works or property of the

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Great Western Company as may be necessary for constructing or maintaining any of the works of the Local Board and shall pay to the Great Western Company for any such easement to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the acquisition of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands;

(f) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Local Board may have been constructed or laid the Great Western Company may on giving to the Local Board seven days notice in writing under the hand of their secretary or general manager for the time being and in the case of emergency of which their engineer shall be sole judge without notice divert support or carry the said works of the Local Board across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect thereof and the Local Board shall at their own expense shore up or support their mains pipes culverts or other works which may be interfered with during the alteration or repair of any bridges of the Great Western Company and failing their doing so the Great Western Company may do so at the expense of the Local Board;

(g) Except as in this section otherwise provided any dispute or difference which may arise between the Great Western Company and the Local Board with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Local Board or either of them and the cost of such arbitration shall be in the discretion of such arbitrator.

Provisions for the protection of the estate of Lady Emily Foley.

13. The following provisions shall apply for the protection of the Honourable Emily Foley commonly called Lady Emily Foley as lady of the manor of Great Malvern in the county of Worcester and her successors in estate being the lord or lady of the said manor for

the time being all of whom are included under the name of Lady Emily Foley where used in this section :—

(1) The Local Board shall not without the consent of Lady Emily Foley in writing acquire for the purposes of the catchwater drains authorised to be constructed by this Act any part of her lands within the manor of Great Malvern aforesaid but where any of the said catchwater drains are to be laid and made in or upon or under such lands the Local Board may acquire an easement or right of laying making and maintaining the same on such lands ;

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the catchwater drain sixthly described in and authorised by section nine of this Act shall in passing through the Hill pasture land numbered 10 on the deposited plans in the parish of Great Malvern be terminated at a point not less than forty yards to the south-east of the termination of the catchwater drain as shown on the deposited plans and the Local Board shall make and maintain the said catchwater drain in such manner as shall prevent the abstraction or interception by means thereof of any waters now flowing into Saint Ann's Well in the ninth section of this Act mentioned ;

(3) Nothing in this Act shall be construed to take away diminish or prejudicially affect the rights powers and privileges of Lady Emily Foley as lady of the manor of Great Malvern aforesaid of quarrying and taking away stone gravel and other minerals within the said manor and the provisions of the Waterworks Clauses Act 1847 with respect to mines shall apply to all quarries beds of gravel and minerals whether now opened or worked or hereafter to be opened and worked within the said manor and if by the working of such quarries or mines any water is diverted intercepted or taken from the works by this Act authorised the Local Board shall not by reason thereof be entitled to any remedy or compensation whatsoever Provided always that in the event of the quarrying being carried on so as to interfere with any of the works by this Act authorised the Local Board shall be at liberty to construct such other works and in such other positions as may be necessary for the purpose of maintaining the supply to the works ;

(4) Subject to the express provisions of this Act nothing in this Act contained shall take away diminish or prejudicially affect any rights powers privileges franchises incorporeal hereditaments or profits belonging to or enjoyed by Lady Emily Foley as lady of the manor aforesaid ;

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(5) The provisions in this section contained shall be in addition to and not in derogation of any rights remedies or compensation to which Lady Emily Foley is or may be entitled under the provisions of this Act or any Acts incorporated herewith.

For protection of owner &c. of Little Malvern Court Estate.

14. For the benefit and protection of the owner or owners for the time being of the Little Malvern Court Estate of which Charles Michael Berington now is or claims to be the owner in fee simple the following provisions shall have effect :—

(1) The Local Board may purchase and the said owner or owners shall sell to them an easement or right of constructing laying and maintaining (but so as not to interfere with any existing garden wall or greenhouse upon the said estate) the catchwater drain and conduit or line of pipes (No. 1) described in sub-sections (4) and (5) respectively of the section of this Act the marginal note whereof is "Works authorised" and a drain or drains for carrying through the estate into the Welland Brook the water to be discharged from any scour or wash-out valve which the Local Board may place in the said conduit or line of pipes and the powers hereby given to the Local Board to purchase the said easement or right shall be deemed to be in substitution for the power which the said Board would otherwise have to purchase lands for the construction of the said catch-water drain and conduit or line of pipes (No. 1) ;

(2) The said easement or right shall be deemed to be lands within the meaning of the Lands Clauses Acts ;

(3) The said catchwater drain and conduit or line of pipes (No. 1) shall be completed with all reasonable despatch and in any event within three months after commencement of the said catchwater drain or conduit as the case may be the ground being filled in and the surface restored as far as possible to its original condition within the period aforesaid ;

(4) All lands part of the estate and the road diversion above mentioned shall be fenced with a suitable fence to prevent persons trespassing therefrom on to the estate ;

(5) If any water supply from streams or springs or wells to Little Malvern Court or the present supply from any spring which is carried into a tank in the road and thence into a tank in the garden forming part of the Little Malvern Estate and adjoining the house and premises occupied by Robert Sadlier Moody and supplies his house and a farmyard and three cottages near thereto shall be in any way damaged by any works or operations of the Local Board they shall at their own cost restore the same or provide a substituted supply ;

(6) Any water from any such scour or wash-out valve as aforesaid shall be carried by the Local Board underground and discharged clear of Little Malvern Court and the grounds and ornamental waters thereof and the Local Board shall construct on the line of the pipe carrying off the said water a cesspool properly trapped so as to prevent any solid matter from the Conduit No. 1 escaping into the drain or ditch into which such water may be discharged or pass and shall maintain and keep clean the said cesspool at all times hereafter ;

(7) If any difference arise at any time between the Local Board and the said owner or owners with reference to any of the matters aforesaid or the true interpretation and meaning of any provision of this section such difference shall (unless otherwise provided for or agreed) be from time to time determined in accordance with the provisions of the Arbitration Act 1889.

Rights of sporting reserved.

15. The owners for the time being of the Blackmore Park Estates and the Little Malvern Court Estates and the families and visitors of such owners or other persons having the written authority of such owners jointly shall have the exclusive right of fishing shooting boating and sporting in and over the British Camp Reservoir by this Act authorised so far as and to the extent of the land (covered by such reservoir) acquired by the Local Board from such owners respectively and also the exclusive right of shooting boating and sporting on and over any other land so acquired from such owners respectively by the Local Board but so that the exercise of such rights shall not injure the embankments walls or sluices of the said reservoir or any of the works of the Local Board or pollute the waters of the said reservoir and the said owners shall also have the right without prejudice to a similar right on the part of the Local Board of protecting the said reservoir from trespassers by using all lawful means therefor but save as aforesaid nothing herein contained shall be held to take away or diminish any of the rights powers and authorities by this Act conferred on the Local Board in respect of the said reservoir or otherwise.

Power to make and maintain incidental works.

16. The Local Board may together with the works herein-before mentioned make and maintain all such wells cuts adits shafts pumping stations borings conduits and other works approaches roads ways embankments tanks filtering-beds dams gauges sluices culverts channels drains pipes engines works and conveniences as may be necessary for collecting impounding raising filtering drawing and distributing water in connexion with the said works but nothing in this Act or the Waterworks Clauses Acts 1847 and 1863 shall give the Local Board any power for the abstraction of underground waters by such workings for the purpose of their water

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supply or exonerate the Local Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them under the powers of this enactment.

Lateral and vertical deviation.

17. The Local Board in constructing the works by this Act authorised may make deviations from the line of such works but not exceeding the limits of lateral deviation shown on the deposited plans and may deviate from the levels delineated on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of other works five feet upwards and five feet downwards Provided that the Local Board shall not in the exercise of the powers of lateral deviation hereby given make any embankment or retaining wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition.

On completion of diverted portion of road site of existing road so far as superseded to vest in Local Board.

18. So soon as the road diversion by this Act authorised is made and ready for traffic and certified by the court of quarter sessions of the county of Worcester as in this Act provided the Local Board may stop up and extinguish all rights of way over the portion of the said existing road between the points of the commencement and termination of the said diversion thereof and they may appropriate for the purposes of this Act the site of so much of the said road so stopped up and diverted as may be bounded on both sides by lands of the Local Board.

Maintenance of diverted road.

19. Immediately upon the completion of the said road diversion the Local Board shall make an application to the said court of quarter sessions to certify as to the completion of the same and the Upton-upon-Severn Highway Board shall be made parties to such application The said diverted portion of road when its completion is so certified (of which completion such certificate shall be conclusive evidence) shall become and the same shall thenceforth be part of the said public road and shall subject to the proviso hereinafter contained be upheld and maintained by the said Upton-upon-Severn Highway Board Provided always that the Local Board shall pay to the Upton-upon-Severn Highway Board the cost of upholding and maintaining the said diverted portion of the said road for a period of twelve months after the date of the said certificate of completion.

Period for compulsory purchase of lands.

20. The powers of the Local Board for the compulsory purchase of lands for any of the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to acquire additional lands.

21. In addition to the lands and waters which the Local Board are by this Act authorised to purchase compulsorily they may for

any of the purposes of this Act but subject to the provisions of this Act from time to time by agreement purchase in fee any additional quantity of land not exceeding in the whole ten acres or any easement or right (not being an easement of water) in or over such additional lands which they may from time to time think requisite for any of the purposes of this Act but the Local Board shall not create or permit any nuisance on such lands and shall not erect any buildings thereon other than such buildings as may be incident to or connected with the waterworks by this Act authorised.

Power to take easements &c. by agreement.

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

Power to retain sell &c. lands.

23. Subject to the provisions of the Lands Clauses Consolidation Act 1845 the Local Board may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and upon such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any revisionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition.

As to surplus lands.

24. Any land subject for the time being to the provisions of the Malvern Hills Act 1884 which may under the provisions of this Act be acquired by the Local Board and may not be required for the purposes of this Act shall in whomsoever the same may vest or to whomsoever the same may be sold leased or exchanged or otherwise disposed of from the date of such vesting sale lease exchange or disposal again become and remain subject to such of the provisions of the said Malvern Hills Act 1884 as such land was subject to at the time of the passing of this Act.

Application of moneys from sale &c. of lands.

25. The Local Board shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised or by way of fine or premium on any lease in or towards paying off moneys borrowed and

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for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Local Board Provided that the Local Board shall not apply any moneys received as aforesaid to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided also that the borrowing powers of the Local Board under this Act shall be reduced to the extent of any amount so paid off.

Restriction on taking houses of labouring class.

26. The Local Board shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

Period for completion of works.

27. The works hereby authorised shall be completed within seven years from the passing of this Act and on the expiration of such period the powers by this Act granted to the Local Board for making the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed Provided always that subject to the provisions of this Act the Local Board may from time to time alter enlarge and extend their engines machinery tanks filter-beds catchwater drains conduits mains and pipes in such way and manner as shall be necessary for supplying water within the limits of this Act.

Supply of water for domestic use within the water limits.

28. The Local Board shall so far as not already laid cause pipes to be laid and water to be brought through all streets and roads or portions of streets or roads along which houses are built within the water limits and shall as soon as conveniently may be after the completion of the reservoir and other works by this Act authorised to be constructed at the request of the owner or occupier of any dwelling-house or part of a dwelling-house furnish to the occupier of such dwelling-house or part of a dwelling-house by means of communication pipes and other necessary and proper apparatus to

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be provided laid down and maintained by and at the cost of such owner or occupier unless otherwise agreed between him and the Local Board a sufficient supply of water for domestic purposes Provided that no person shall be entitled to demand such supply of water or to require the Local Board to lay down pipes hydrants or fire-plugs unless some pipe of the Local Board shall have been laid within one hundred feet of the premises in respect of which such supply of water or pipes hydrant or fire-plugs are demanded or in the case of tenements situated in a private close or place unless a water pipe of the Local Board shall have been laid within one hundred feet of the entrance to such close or place or unless the Local Board shall have become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act 1847 to cause pipes to be laid down within the said distance of one hundred feet of such premises.

Amendment of the Order of 1871.

29. Article 8 of the Order of 1871 shall be read and construed as though the words one shilling and eight pence had been inserted therein in lieu of the words one shilling and as though the words ten pence had been inserted therein in lieu of the words six pence.

Resolution to discontinue charging by meter.

30. It shall be lawful for the Local Board at any time after the passing of this Act by a resolution of an absolute majority of the whole number of the governing body passed published and confirmed in manner provided by section 4 of the Act 35 and 36 Vict. cap. 91 and with the consent of the owners and ratepayers of the district to be expressed by resolution in manner provided in Schedule III. of the Public Health Act 1875 and with the approval of the Local Government Board to determine that on and after a certain Christmas Day Lady Day Midsummer Day or Michaelmas Day to be fixed by such resolution of the governing body (herein-after referred to as "the day of cesser") the provisions of the Order of 1871 in relation to the levying of water rents and charging for water by meter shall not be exercised.

Effect of resolution.

31. On and after the day of cesser the powers of the Local Board under the provisions of the Order of 1871 in relation to the levying and recovering of water rents shall not be exercised except for the purpose of recovering arrears of water rents due before the day of cesser.

Provisions to take effect after discontinuance of charging by meter.

32. The following provisions of this section shall on and after the day of cesser have effect (that is to say) :—

(A) Subject to the provisions of this Act the Local Board shall at the request of the owner or occupier of any dwelling-house

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Rents for domestic supply.

or part of a dwelling-house entitled to demand a supply of water for domestic purposes furnish to the occupier of such dwelling-house or part of a dwelling-house a sufficient supply of water for domestic purposes at a rent not exceeding the following rates (that is to say):—

(1) Where the rateable value of the premises supplied does not exceed five pounds then not exceeding the rate of two pence per week;

(2) Where the rateable value of the premises supplied does exceed five pounds then not exceeding the rate of ten per centum per annum upon such rateable value;

The water-rent shall be paid by the owner or occupier requesting the supply of water;

Interpretation of rateable value.

(B) "Rateable value" in this Act shall mean the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water-rent accrues or if there is none by the last rate made for the relief of the poor Provided that where the water-rent is chargeable for a supply of water to a part only of any premises entered in the valuation list the rateable value of such part shall for the purposes of this Act be deemed to mean a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined in manner provided by the sixty-eighth section of the Waterworks Clauses Act 1847;

Charge for several waterclosets &c.

(C) Notwithstanding anything in section 46 of the Act of 1851 "a supply of water for domestic purposes" shall for the purposes of this section include a supply of water for waterclosets and baths but in case there shall be more than one watercloset or bath in any dwelling-house or part of a dwelling-house the owner or occupier shall pay as part of his water-rent rent in respect of every watercloset beyond the first any sum not exceeding ten shillings per annum which the Local Board may fix and in respect of every bath beyond the first any sum not exceeding fifteen shillings per annum which the Local Board may fix Provided that in case of any dwelling-house or part of a dwelling-house assessed to the water-rent at more than forty pounds rateable value no additional charge shall be made in respect of any watercloset or bath;

Detection of waste.

(D) Subject to the provisions of this Act the Local Board may for the purpose of preventing and detecting waste from time to time affix and maintain meters and similar apparatus on the service pipes and mains of the Local Board and stop cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access

and protection thereto and may from time to time for that purpose break up and interfere temporarily with public and private streets roads lanes footways thoroughfares tramways and gas or water pipes;

Regulations for preventing waste of water.

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

(1) The Local Board may from time to time make regulations for the purpose of preventing waste undue consumption or misuse or contamination of water and may by such regulations prescribe the size make nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans urinals waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which may allow or tend to waste or undue consumption misuse erroneous measurement or contamination;

(2) No such regulations shall be of any force or effect except within the part or parts of the district which the Local Board are for the time being bound to supply and do in fact supply or are prepared on demand to supply with water under constant pressure and unless and until such regulations shall have been submitted to and confirmed by the Local Government Board who are hereby empowered to confirm the same;

(3) A copy of all such regulations in force for the time being shall be kept at the office of the Local Board and all persons may at all reasonable times inspect such copy without payment and the Local Board shall cause to be delivered a printed copy of all regulations for the time being in force to every person applying for the same on payment of a sum not exceeding twopence for each copy;

(4) A printed copy of any such regulations dated and purporting to have been made as aforesaid and to be sealed with the seal of the Local Board and to have been confirmed by the Local Government Board shall be primâ facia evidence in all legal proceedings of the due making confirmation publication and existence of such regulations;

(5) In case of failure of any person to observe such regulations as are for the time being in force the Local Board may if they think fit after twenty-four hours notice in

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writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan urinal water-closet or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the Local Board by the person on whose credit the water is supplied and may be recovered by them as water-rent is recoverable;

(6) Any person who shall offend against any such regulations shall (without prejudice to any other right or remedy for the protection of the Local Board or punishment of the offender) be liable to a penalty not exceeding five pounds for each offence and to a further daily penalty not exceeding forty shillings for each day on which such offence shall occur after conviction thereof and the Local Board may in addition thereto recover the amount of any damages sustained by them.

Incoming tenant not liable for arrears of water-rent.

33. If any consumer leave the premises to which water has been supplied without paying to the Local Board the water-rent or charges due from him the Local Board shall not require from the next tenant of the premises payment of the arrears so left unpaid unless the incoming tenant shall have agreed with the defaulting consumer to pay the arrears.

Local Board may supply fittings &c.

34. The Local Board may if requested by any person supplied or about to be supplied by them with water furnish to him at his costs and charges and from time to time repair and alter any such pipes valves meters cocks cisterns baths soil-pans urinals water-closet apparatus and receptacles as may be required and may provide all materials and do all work necessary or proper in that behalf.

Public drinking fountains.

35. The Local Board from time to time when and as they think it expedient may put up and continue and from time to time remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the water limits as the Local Board think fit but not against any building except with the consent of the owner and occupier thereof.

Supply of water for other than domestic purposes.

36. The Local Board may supply water within the water limits for purposes other than domestic purposes on such terms pecuniary and otherwise and conditions as shall be agreed on between the Local Board and the person requiring the supply Provided always that no person shall be entitled to a supply of water for other than

domestic purposes if such supply prejudices the sufficiency of the supply of water for domestic purposes within the water limits.

Power to supply water to local authorities and others.

37. It shall be lawful for the Local Board to supply water by agreement in bulk or otherwise and for domestic or other purposes to any local or sanitary authority company or person on such terms and conditions in all respects and for such periods as the Local Board and such local or sanitary authority company or person may from time to time agree Provided that nothing in this section shall authorise the Local Board to supply or to continue to supply water within or for use within the limits of supply of any sanitary or local authority company or corporation except with the consent of such authority company or corporation nor shall the Local Board under any such agreement supply water so as to interfere with their giving a proper supply for all purposes to persons within the water limits.

Power for Local Board to borrow for construction of waterworks &c.

38. The Local Board may from time to time borrow on the security of the revenue of their water undertaking and of their district fund and general district rate (subject to the provisions of this Act) such sums as they may require for defraying the costs charges and expenses preliminary and of and incident to the obtaining and passing of this Act as herein-after defined the acquisition of land and the completion of the waterworks not exceeding in the whole sixty thousand pounds Provided that all moneys borrowed under this section for the payment of costs charges and expenses shall be repaid within ten years and for all other purposes within sixty years from the respective dates of borrowing the same.

Power to borrow further sums with approval of Local Government Board.

39. In addition to the sum of sixty thousand pounds which the Local Board are herein-before authorised to borrow they may from time to time with the sanction of the Local Government Board borrow at interest on the securities aforesaid or any of them such sum or sums of money as the Local Board may require for any of the purposes for which money is by this Act authorised to be borrowed Provided that all moneys borrowed under this section shall be repaid within such periods not exceeding sixty years from the respective dates of borrowing the same as the Local Government Board shall prescribe The expenses of the Local Government Board in connexion with any proceedings under this section including a reasonable sum not exceeding three guineas a day for the services of their inspector shall be paid by the Local Board and shall be recoverable in the same manner as any other expenses incurred by the Local Government Board may be recovered by that Board.

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Application of borrowed moneys.

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

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

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

Power to mortgage district fund &c.

42. For securing any moneys which they are authorised to borrow or re-borrow under the authority of this Act the Local Board may from time to time mortgage the revenue of their water undertaking and their district fund and general district rate and for the purpose of such mortgages sections 236 to 239 (both included) of the Public Health Act 1875 shall apply as if they were with any necessary modifications re-enacted in this Act.

Discharge of borrowed moneys.

43. The Local Board shall out of the revenue of their water undertaking and out of their district fund and general district rate discharge or make provision for the discharge of all moneys which they may borrow under the authority of this Act by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other within the periods by this Act or by the Local Government Board prescribed for repayment of the same respectively but the Local Board shall not be bound to create any sinking fund or to commence any payment by instalment until the expiration of five years from the passing of this Act.

Power to re-borrow.

44. If the Local Board pay off any moneys borrowed under the authority of this Act otherwise than by means of equal yearly or half-yearly instalments appropriations or annual repayments or out of the sinking fund or out of the proceeds of the sale of surplus lands or out of fines or premiums on leases they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the time prescribed for the repayment of the moneys in lieu of which such re-borrowing is made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing has been made and the obligations of the Local Board with respect to the repayment of such moneys by means of a sinking fund or by appropriations instalments or annual repayments shall not be affected by such re-borrowing.

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Regulations as to sinking fund.

45. If the Local Board determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :—

(1) Such equal yearly or half-yearly sums shall be paid by the Local Board out of the revenue of the water undertaking and their district fund and general district rate into the sinking fund as being accumulated at compound interest at a rate not exceeding three pounds ten shillings per centum per annum will be sufficient to pay off such moneys within the periods by this Act or by the Local Government Board prescribed for repayment of the same respectively Provided that in case the income from investments of the sinking fund shall in any year fall short of the prescribed rate of accumulation the deficiency shall be made good out of the current rates and revenues of the Local Board;

(2) All sums paid into the sinking fund shall as soon as may be be invested by the Local Board in securities in which trustees are for the time being authorised to invest or in the mortgages bonds debentures debenture stock or other securities duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the Local Board and any such investments may be from time to time varied or transposed and all dividends and other sums received in respect of such investments shall as soon as may be after they are received be paid into the sinking fund and invested by the Local Board in like manner;

(3) The Local Board may at any time apply the whole or any part of any sinking fund created under this Act in or towards the discharge of the moneys or any part of the moneys for the discharge of which the fund was created;

(4) Whenever any of such principal moneys have been so paid off the Local Board shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied at the rate per cent. on which the payments to the sinking fund are based;

(5) Whenever and so long as the securities constituting the sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the Local Board may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods

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discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Annual return to Local Government Board.

46. The clerk of the Local Board shall within one month after the expiration of each year during which any sum is required by this Act to be paid as an instalment or set apart for a sinking fund in respect of moneys borrowed by the Local Board under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested or applied for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities on which any investment has been made and the purposes to which any portion of the moneys invested for the sinking fund and any interest thereof have been applied during the same period and the total amount (if any) remaining invested at the end of the year In the event of wilful default in making such return the said clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appears to the Local Government Board by that return or otherwise that the Local Board have failed to pay any instalment or set apart any sum required for any sinking fund or have applied any portion of the money so set apart for that fund or any interest thereof to any purposes other than those authorised they may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Power to borrow under Local Loans Act 1875.

47.—(1) The Local Board if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

(2) Any moneys borrowed in manner by this section authorised shall be a charge on the revenue of the water undertaking and the district fund and general district rate of the Local Board and

such revenue fund and rate shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(3) Every such loan shall be discharged within the periods by this Act or by the Local Government Board as the case may be prescribed for repayment of the moneys raised by means of such loan but the Local Board shall not be bound to create any sinking fund or to set apart or appropriate any moneys for the purpose of the discharge of such loan till the expiration of five years from the date of the passing of this Act.

(4) For the purpose of reckoning the period within which any sum re-borrowed is to be repaid and of sections 14 and 15 of the Local Loans Act 1875 the original loan and the sums re-borrowed shall be deemed to form the same loan.

Priority of existing mortgages or other securities granted by Local Board.

48. All mortgages and other securities granted by the Local Board before the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages or other securities granted or issued by the Local Board in exercise of the borrowing powers conferred by this Act on the Local Board.

Audit of accounts.

49. Separate accounts of the waterworks undertaking of the Local Board under the provisions of this Act shall be kept by the Local Board and sections 245 247 (except so much thereof as is repealed by the District Auditors Act 1879) 249 and 250 of the Public Health Act 1875 relating to accounts and their audit and the provisions of the District Auditors Act 1879 so far as the same are applicable shall apply to the accounts of the Local Board under this section and to the audit of such accounts.

Local Board may remove wate pipes &c. from unoccupied premises.

50. If and whenever any house building or premises which shall have been supplied with water by the Local Board shall be unoccupied for the space of three months the Local Board their agents servants or workmen after giving twenty-four hours previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Local Board after inquiry by affixing the same for three days on some conspicuous part of such house building or premises may enter into such house building or premises between the hours of ten o'clock in the forenoon and four o'clock in the afternoon and remove and carry away any pipe meter fittings or other works the property of the Local Board.

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Settlement of disputes.

51. Where any compensation damages costs charges or expenses is or are by this Act directed to be paid and the method of ascertaining the amount thereof is not provided for such amount shall in case of dispute be ascertained and determined as provided by the Lands Clauses Consolidation Act 1845 for settling cases of disputed compensation.

Application of penalties.

52. Every penalty imposed by this Act or by any regulation made under this Act (except where the Local Board shall be the party by whom the penalty has to be paid) shall be paid to the treasurer of the Local Board and shall be carried by him to the credit of the water account or of such other account as the case may require.

Penalties not cumulative.

53. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative and for this purpose this Act and the incorporated Acts and the Public Health Act 1875 shall be deemed several Acts.

Notices.

54. If any summons demand or notice or other such document to be given by the Local Board under this Act require authentication by the Local Board the signature of the clerk of the Local Board thereto shall be a sufficient authentication.

Contents of summons &c.

55. Any summons warrant notice demand or other process issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Repeal.

56. The Acts and Provisional Order described in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule.

Saving rights of the Crown.

57. Nothing contained in this Act shall authorise the Local Board to interfere with any rights of winning working and taking away any minerals belonging to the Queen's most Excellent Majesty in the right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

For protection of the War Office.

58. Nothing contained in this Act or in any Act incorporated therewith shall be deemed to authorise any interference with the firing rights of the Worcestershire Artillery Volunteers in regard

to their Castlemorton Range or other Her Majesty's forces on that range nor shall that range or those rights be in any manner curtailed or prejudiced.

Expenses of Act.

59. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Local Board out of moneys borrowed under the authority of this Act or out of the general district rates of the district and such costs shall include the costs incurred by the Local Board in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty chapter ninety-one with respect to the Bill for this Act and all matters relating thereto.

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The SCHEDULE referred to in the foregoing Act.

Acts and Provisional Order repealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
14 & 15 Vict. c. xcvi. -	The Malvern Improvement Act 1851.	Section 47.
30 & 31 Vict. c. 83. -	The Local Government Supplemental Act 1867 (No. 5).	So much as confirms the words "excepting always "that no part thereof "shall be applied for "waterworks or for a "supply of water in such "district of Malvern;" and "in section 15 of a "Provisional Order re-"lating to Malvern," and the said words.

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