CHAPTER vi.

An Act to constitute a joint board consisting of representatives of the county council of the administrative county of Devon and the rural district councils of Barnstaple Bideford Broadwoodwidger Crediton Holsworthy Okehampton Saint Thomas South Molton Tavistock and Torrington and the mayor aldermen and burgesses of the borough of Barnstaple to vest in the said board the water undertakings of certain constituent authorities and the undertaking of the Barnstaple Water Company to authorise the board to execute works and to supply water and for other purposes. [10th December 1945.]

WHEREAS the rural districts of Barnstaple Bideford Broadwoodwidger Crediton Holsworthy Okehampton Saint Thomas South Molton Tavistock and Torrington are situate in the administrative county of Devon and are respectively under the local management and control of the rural district councils of Barnstaple Bideford Broadwoodwidger Crediton Holsworthy Okehampton Saint Thomas South Molton Tavistock and Torrington:

And whereas the said rural district councils (other than the rural district council of Broadwoodwidger) are under the provisions of the Public Health Acts supplying water within certain parts of their respective districts but the existing waterworks of the said rural district councils are inadequate for the existing and prospective needs of the inhabitants of their respective districts:

And whereas it would be a public and local advantage if a joint board (hereinafter referred to as "the Board") were constituted consisting of representatives of the county council

of the said administrative county of Devon and of the ten rural district councils above mentioned and of the mayor aldermen and burgesses of the borough of Barnstaple:

And whereas it is expedient to provide for the transfer to the Board of the existing waterworks and water undertakings of the said rural district councils and that the Board should be empowered to make and maintain the waterworks by this Act authorised and to supply water in accordance with the provisions of this Act:

21 & 22 Vict. c. xx. 51 & 52 Vict. c. xxiv.

And whereas the Barnstaple Water Company (in this Act called "the company") under and by virtue of the Barnstaple Waterworks Acts 1858 and 1888 and the Barnstaple Water Order 1910 are authorised to supply with water the borough of Barnstaple and the Parishes of Bishops Tawton Tawstock West Pilton Fremington Goodleigh Landkey and Instow in the Barnstaple rural district but by section 8 of the Barnstaple Water Order 1910 the company are not bound to supply water within any part of the Barnstaple rural district within the limits of supply unless the Barnstaple Rural District Council enter into an agreement with the company to make good the difference between the rates payable to the company in respect of the supply and one-tenth part of the expense incurred by the company in affording the supply including the construction laying down of works mains and pipes required for that purpose:

And whereas the company are only supplying water within the borough of Barnstaple and parts of the parishes of Bishops Tawton Fremington and Instow:

And whereas the supply of the company is obtained by means of an intake on the North Yeo River below the confluence of the Bratton Fleming branch of that river but the company have no storage reservoir and the amount of water available for supply depends upon the minimum summer flow of the said two streams and the works of the company are unable to afford a supply throughout a considerable part of its area both by reason of the quantity of water available and the level to which part of it is pumped:

And whereas it is expedient that the undertaking of the company should be extended and that the supply of water which is available from the said two streams should be made available not merely for the whole of the limits of supply of the company but for a larger area in the northern part of the county of Devon and for this purpose that the undertaking of the company should be transferred to and vested in the Board upon the terms prescribed by this Act:

And whereas the authorised capital of the company is thirty thousand pounds divided into one thousand two

hundred ordinary shares of ten pounds each entitled to a maximum dividend of ten per centum per annum the whole of which have been issued and are fully paid and one thousand eight hundred new ordinary shares of ten pounds each entitled to a maximum dividend of seven per centum per annum of which one thousand four hundred have been issued and are fully paid and the company have borrowed four thousand eight hundred pounds on mortgage at interest at the rate of four per centum per annum:

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

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

And whereas estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

	£
The purchase of lands and easements ...	10,000
The construction of Works No. 6 and 16 authorised by this Act	104,500
The construction of the works authorised by this Act (other than Works No. 6 and 16) and the construction by the county council of the Vellake gauge weir confirmed by this Act and the weir across the river Taw part of Work No. 1 by this Act authorised	326,515
The construction of the water mains and other works in connection therewith provided for by the section of this Act whereof the marginal note is "As to mains to be laid by Board"	827,000
Water mains and other waterworks purposes	100,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and books 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 deposited with the clerk of the county council of the administrative county of Devon which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference:

And whereas in relation to the promotion of the Bill for this Act the county council of the administrative county of

23 & 24 Geo. 5. c. 51.

Devon have complied with the requirements of Part XIII of the Local Government Act 1933:

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the North Devon Water Board Act 1945.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Establishment constitution and proceedings of Board.
Part III.—Transfer of existing undertakings.
Part IV.—Lands.
Part V.—Waterworks.
Part VI.—Supply of water.
Part VII.—Finance.
Part VIII.—Miscellaneous.

Incorporation of Acts.

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

(*a*) The Lands Clauses Acts with the following exceptions and modification:—

8 & 9 Vict. c. 18.

(i) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(ii) 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;

10 & 11 Vict. c. 17.

(*b*) The Waterworks Clauses Act 1847 except—

(i) The words " with the consent in writing of the owner or reputed owner of any such houses or of the agent of such owner " in section 44;

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

PART I. —*cont.*

(*c*) The Waterworks Clauses Act 1863;

(*d*) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions "the railway" shall mean the works authorised by this Act; 26 & 27 Vict. c. 93. 8 & 9 Vict. c. 20.

(*e*) The clauses of the Commissioners Clauses Act 1847 with respect to the following matters (namely):— 10 & 11 Vict. c. 16.

The contracts to be entered into and the deeds to be executed by the commissioners (except section 57);

The liabilities of the commissioners and legal proceedings by or against the commissioners.

(2) (*a*) In the construction of the provisions of the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 the Railways Clauses Consolidation Act 1845 and the Commissioners Clauses Act 1847 incorporated with this Act the expressions "the promoters of the undertaking" "the undertakers" "the company" and "the commissioners" mean respectively the Board.

(*b*) In relation to the exercise of powers by the Board "the limits of the special Act" in the Waterworks Clauses Act 1847 means the limits of supply as defined in the next succeeding section of this Act.

Interpretation.

4. 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.

And in this Act unless the subject or context otherwise requires—

"The Board" means the North Devon Water Board;

"The clerk" and "the treasurer" means respectively the clerk and the treasurer of the Board;

"The undertaking" means the whole of the undertaking for the time being of the Board;

"The county" means the administrative county of Devon;

"The county council" means the county council of the administrative county of Devon;

"The Barnstaple district" "the Bideford district" "the Broadwoodwidger district" "the Crediton district" "the Holsworthy district" "the

PART I. —*cont.*

Okehampton district" "the Saint Thomas district" "the South Molton district" "the Tavistock district" and "the Torrington district" mean respectively the rural district of Barnstaple except the parish of Mort Hoe the rural district of Bideford the rural district of Broadwoodwidger the rural district of Crediton the rural district of Holsworthy the rural district of Okehampton the parishes of Dunsford Holcombe Burnell Tedburn St. Mary and Whitestone in the rural district of Saint Thomas the rural district of South Molton the rural district of Tavistock except the parishes of Bere Ferrers Buckland Monachorum Meavy Sheepstor Sampford Spiney Walkhampton and Whitchurch and so much of the parish of Lydford as lies to the east of the river Lyd and the rural district of Torrington;

"The Barnstaple Council" "the Bideford Council" "the Broadwoodwidger Council" "the Crediton Council" "the Holsworthy Council" "the Okehampton Council" "the Saint Thomas Council" "the South Molton Council" "the Tavistock Council" and "the Torrington Council" mean respectively the rural district council of Barnstaple the rural district council of Bideford the rural district council of Broadwoodwidger the rural district council of Crediton the rural district council of Holsworthy the rural district council of Okehampton the rural district council of Saint Thomas the rural district council of South Molton the rural district council of Tavistock and the rural district council of Torrington;

"The corporation" means the mayor aldermen and burgesses of the borough of Barnstaple;

"The borough" means the borough of Barnstaple;

"The constituent authorities" means the county council the Barnstaple Council the Bideford Council the Broadwoodwidger Council the Crediton Council the Holsworthy Council the Okehampton Council the Saint Thomas Council the South Molton Council the Tavistock Council the Torrington Council and the council of the borough;

"Constituent authority" means one of those councils;

"The company" means the Barnstaple Water Company;

"The limits of supply" means the limits for the time being of the Board for the supply of water;

PART I. —*cont.*

" The appointed day " means the first day of April one thousand nine hundred and forty-six;

" The existing undertakings " means the water undertakings of such of the constituent authorities as are supplying water on the appointed day and includes—

(*a*) All the lands buildings waterworks waters sources of supply (including public wells pumps conduits and other works used for the supply of water) machinery mains pipes meters plant spare parts tools apparatus vehicles stores and other real and personal property assets and effects rights powers and privileges vested in or enjoyed by such constituent authorities respectively for or in relation to such water undertakings immediately before the appointed day or to which such constituent authorities are subject for or in relation to those undertakings;

(*b*) All contracts and benefits of contracts being in force on the appointed day in respect of the undertaking;

(*c*) All registers books of accounts maps plans specifications engineering reports and other documents relating to the undertaking;

but does not include any funds or money or securities for money of the constituent authorities respectively whether invested or in hand;

" The Barnstaple Acts " means the Barnstaple Waterworks Act 1858 the Barnstaple Waterworks Act 1888 and the Barnstaple Water Order 1910 confirmed by the Water Orders Confirmation Act 1910 recited in the Preamble to this Act; 10 Edw. 7 & 1 Geo. 5. c. xciv.

" The day of transfer " means the first day of January one thousand nine hundred and forty-six;

" The undertaking of the company " includes all waterworks mains pipes machinery plant fixed and moveable stock-in-trade lands buildings registers of debenture stock and books (other than the minute books of the directors and such books as relate exclusively to the shareholders in and the constitution of the Company and as may be necessary for the purpose of winding up the company) deeds agreements engineers' opinions and reports plans descriptions of works vouchers letter books records of business and proceedings and all other the real and personal property assets and effects of whatever nature and all

PART I. —*cont.*

the rights powers and privileges vested in or belonging to or had and enjoyed by the company at the day of transfer except such a sum of money as may be required to make up dividends to be paid by the company to the holders of the ordinary shares of the company in respect of the portion of the year one thousand nine hundred and forty-five for which dividends shall not have been paid by the company to the full amount at the rate of ten per centum per annum and seven per centum per annum respectively;

"The product of a penny rate" means the aggregate product of a penny rate for the last preceding financial year in the Barnstaple district the Bideford district the Broadwoodwidger district the Crediton district the Holsworthy district the Okehampton district the Saint Thomas district the South Molton district the Tavistock district the Torrington district and the borough calculated in accordance with rule 3 of the Rating and Valuation Act (Product of Rates and Precepts) Rules 1929 as amended by the Rating and Valuation Act (Product of Rates and Precepts) Amendments Rules 1933 or any rule or rules amending those rules or made in substitution therefor;

"Financial year" means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March in the next following year;

"A supply of water for domestic purposes" means a sufficient supply for drinking washing cooking and sanitary purposes but not for any bath having a capacity (measured to the centre line of the overflow pipe or in such other manner as the Minister may by regulations prescribe) in excess of fifty gallons and includes—

(*a*) a supply for the purposes of a profession carried on in any premises the greater part whereof is used as a house; and

(*b*) where the water is drawn from a tap inside a house and no hosepipe or similar apparatus is used a supply for watering a garden for horses kept for private use and for washing vehicles so kept:

Provided that it does not include a supply of water for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises;

PART I. —*cont.*

" Statutory security " means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery nor does it include with reference to the Board any securities of the Board; 38 & 39 Vict. c. 83.

" Statutory borrowing power " means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

" The Lands Clauses Acts " means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; 9 & 10 Geo. 5. c. 57.

" The Public Health Acts " means the Public Health Act 1875 and the Acts amending or extending that Act including the Public Health Act 1936; 38 & 39 Vict. c. 55. 26 Geo. 5 & 1 Edw. 8. c. 49.

" The Act of 1933 " means the Local Government Act 1933;

" The tribunal " means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

" Revenues of the Board " includes the revenues of the Board from time to time arising from the undertaking or from any land or other property for the time being of the Board and the money receivable by them from the constituent authorities and all rates and money which they are authorised to levy and collect under the powers of this Act;

PART I. —*cont.*

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

41 & 42 Vict. c. 76.

"The Minister" means the Minister of Health;

"Daily penalty" means a penalty for each day on which an offence is continued by a person after conviction;

2 & 3 Geo. 6. c. 62.

"War period" means the period for which the Emergency Powers (Defence) Act 1939 is in force.

PART II.

ESTABLISHMENT CONSTITUTION AND PROCEEDINGS OF BOARD.

Incorporation of Board.

5.—(1) For the purposes of carrying this Act into execution there shall be a Board constituted and appointed as by this Act provided.

(2) The Board shall be a body corporate under the name and style of the "North Devon Water Board" with perpetual succession and a common seal and with power to acquire and hold lands (without any licence in mortmain) and with all other powers and privileges of a body corporate.

Constitution of Board.

6. The constitution of the Board shall (subject to alteration by the Minister as hereinafter provided) be as follows:—

Twelve members to be appointed by the county council;

Three members to be appointed by the Corporation;

Three members to be appointed by the Barnstaple Council;

Two members to be appointed by the Bideford Council;

One member to be appointed by the Broadwoodwidger Council;

Two members to be appointed by the Crediton Council;

Two members to be appointed by the Holsworthy Council;

Two members to be appointed by the Okehampton Council;

One member to be appointed by the Saint Thomas Council;

Two members to be appointed by the South Molton Council;

Two members to be appointed by the Tavistock Council;

and

Two members to be appointed by the Torrington Council:

PART II. —*cont.*

Provided that each of the constituent authorities (other than the county council) referred to in this section may nominate a deputy for any member so nominated by them to attend any meeting of the Board in the place of the member so nominated who for any reason is unable to attend that meeting and to vote thereat.

Appointment of members of Board.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held before the thirtieth day of November one thousand nine hundred and forty-five or such later date as the Minister shall allow on the application of any of the constituent authorities and the members so appointed shall subject to the provisions of this Act continue in office for such period as the constituent authority by whom they are appointed shall determine but not beyond the thirtieth day of April one thousand nine hundred and forty-nine.

(2) Each constituent authority shall from time to time appoint such members as may be necessary in order to bring the number of members appointed by them up to the number of members of the Board whom they are by this Act authorised to appoint to hold office for such period not being more than three years as they may determine.

(3) A vacating member shall subject to the provisions of this Act be eligible for re-appointment.

Provisions where failure to appoint members.

8. If any constituent authority fail to appoint first members of the Board it shall be competent for the other members of the Board to carry this Act into execution and if any constituent authority fail subsequently to appoint members or a member of the Board at the proper time for their appointment the then existing members or member of the Board representing such authority and qualified to be members or a member of the Board shall continue in office till their or his successors or successor are or is appointed.

Members of Board to be members of constituent authorities.

9. A person shall not be qualified to be a member of the Board nor shall a person be nominated as a deputy for a member of the Board under the proviso to the section of this Act whereof the marginal note is "Constitution of Board" unless he is a member of the constituent authority by whom he is appointed.

Member of two or more authorities to represent one only.

10. A person who is a member of two or more constituent authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a member of the Board by more than one constituent authority he shall within one month after the second appointment choose under which appointment he shall serve and the other appointment shall be deemed void.

PART II. —*cont.*

Disqualification of members.

11. If a member of the Board ceases to be a member of the constituent authority by whom he was appointed he shall cease to be a member of the Board Provided that for the purposes of this section a member of the Board shall not be deemed to have ceased by reason of retirement to be a member of such constituent authority if he has been re-elected a member thereof not later than the day of his retirement.

Disability of members for voting.

12.—(1) If a member of the Board has any pecuniary interest direct or indirect in any contract or proposed contract or other matter and is present at a meeting of the Board at which the contract or other matter is the subject of consideration he shall at the meeting as soon as practicable after the commencement thereof disclose the fact and shall not take part in the consideration or discussion of or vote on any question with respect to the contract or other matter:

Provided that this section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or as an inhabitant of the limits of supply or as an ordinary consumer of water or to an interest in any matter relating to the terms on which the right to participate in any service (including the supply of goods) is offered to the public.

(2) For the purposes of this section a person shall (subject as hereafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or other matter if—

(*a*) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(*b*) he is a partner or is in the employment of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that—

(i) this subsection shall not apply to membership of or employment under any public body;

(ii) a member of a company or other body shall not by reason only of his membership be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.

(3) In the case of married persons living together the interest of one spouse shall if known to the other be deemed for the purposes of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the clerk by a member of the Board to the effect that he or his spouse is a

member or in the employment of a specified company or other body or that he or his spouse is a partner or in the employment of a specified person shall unless and until the notice is withdrawn be deemed to be a sufficient disclosure of his interest in any contract proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice. PART II. —*cont.*

(5) The clerk shall record in a book to be kept for that purpose particulars of any disclosure made under subsection (1) of this section and of any notice given under subsection (4) thereof and the book shall be open at all reasonable hours to the inspection of any member of the Board.

(6) If any person fails to comply with the provisions of subsection (1) of this section he shall for each offence be liable to a fine not exceeding fifty pounds unless he proves that he did not know that a contract proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(7) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(8) The Minister may subject to such conditions as he may think fit to impose remove any disability imposed by this section in any case in which the number of members of the Board so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business or in any other case in which it appears to the Minister that it is in the interests of the inhabitants of the limits of supply that the disability should be removed.

(9) The Board may by standing orders provide for the exclusion of a member of the Board from a meeting of the Board whilst any contract proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

(10) The provisions of this section shall apply in respect of members of a committee or sub-committee of the Board as those provisions apply in respect of members of the Board with the substitution of references to meetings of the committee or sub-committee for references to meetings of the Board.

Certificate of appointment of members.

13. Whenever an appointment of a member of the Board has been made the clerk or town clerk as the case may be of the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit

PART II. —*cont.*

the certificate to the respective clerks of the other constituent authorities and on every subsequent appointment to the clerk and every such certificate shall be conclusive evidence of such appointment.

Resignation of members.

14. Any member of the Board may at any time resign his office as such member by notice in writing addressed to the clerk.

Removal of members.

15. Any member of the Board may be removed at any time by resolution of the constituent authority by whom he was appointed.

Vacation of office by failure to attend meetings.

16. If a member of the Board fails throughout a period of six consecutive months to attend any meeting of the Board he shall if the Board so direct cease to be a member of the Board:

Provided that—

(*a*) attendance as a member at a meeting of any committee or sub-committee of the Board shall be deemed for the purposes of this section to be attendance at a meeting of the Board;

(*b*) a member of any branch of His Majesty's naval military or air forces when employed during war or any emergency on any naval military or air force service and a person whose employment in the service of His Majesty in connection with war or any emergency is such as in the opinion of the Minister to entitle him to relief from disqualification on account of absence shall not cease to be a member of the Board by reason only of failure to attend meetings of the Board if the failure is due to that employment.

Notice of vacancies.

17. Where any member becomes disqualified for holding office or vacates his office by absence or otherwise or is removed from office the Board shall forthwith declare the office to be vacant and shall notify the fact to the constituent authority by whom he was appointed in such manner as the Board think fit.

Casual vacancies.

18. On any vacancy happening in the membership of the Board owing to a member dying resigning or becoming disqualified or otherwise ceasing to be a member the constituent authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be a member of the Board in his place but unless the vacancy happens at the expiration of the term of office of the vacating member the person appointed in his place shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office:

PART II. —*cont.*

Provided that if the vacancy happens within three months before the date of the expiration of the term of office of the vacating member the vacancy shall for the purposes of the appointment of his successor be deemed to have happened at that date.

Meetings of Board.

19.—(1) The Board shall in every year hold an annual meeting within one month of the thirty-first day of March and at least three other meetings which shall be as near as may be at regular intervals for the transaction of general business.

(2) The Board shall hold their first meeting on such day and at such time and place as shall be appointed by the county council.

(3) Subject as aforesaid the meetings of the Board subsequent to the first meeting (including their annual meetings) shall be held at such places on such days and at such times as the Board may from time to time appoint.

Chairman and vice-chairman of Board.

20.—(1) At their first meeting and subsequently at their annual meeting in each succeeding year the Board shall appoint one of their members as chairman and another as vice-chairman for the ensuing year:

Provided that if there be an equality of votes as to the appointment of chairman or vice-chairman it shall be decided by lot which of the members having an equal number of votes shall be appointed as chairman or vice-chairman (as the case may be).

(2) A chairman or vice-chairman may if otherwise qualified be re-appointed and shall continue in office until his successor is appointed unless he dies or resigns or becomes disqualified or ceases to be a member of the Board before the appointment of his successor.

(3) On a casual vacancy occurring in the office of chairman or vice-chairman by reason of death resignation disqualification absence or any other cause another member shall be appointed in his place to hold office until the time when the person in whose place he is appointed would have gone out of office in the ordinary course.

Special meetings of Board.

21. The chairman or any three or more members of the Board may at any time by notice in writing addressed and sent to the clerk require a special meeting of the Board to be convened and the clerk shall convene a meeting accordingly.

Convening of meetings.

22. The meetings of the Board shall be convened by the clerk of the county council until the Board have appointed a clerk and afterwards by the clerk and every meeting shall be convened by notice delivered to each member of the Board or sent by post to or delivered at his residence or place of business three clear days at least before the day of the meeting.

PART II. —*cont.*

Quorum of meetings.

23. To constitute a meeting of the Board there must be present not less than eleven of the members of the Board.

Proceedings at meetings.

24.—(1) At every meeting of the Board the chairman or in his absence the vice-chairman or in the absence of both chairman and vice-chairman some member of the Board chosen by the members present shall preside.

(2) Every question at a meeting of the Board shall be decided by a majority of the votes of the members present and voting on that question and in the case of an equality of votes on any question the person presiding at the meeting shall have a second or casting vote:

Provided that if at any meeting neither the chairman nor vice-chairman shall be present and there be any equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

Minutes of meetings.

25.—(1) Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose or printed and kept in the form of a book and the minutes shall be approved and when approved signed by the chairman or other member presiding at the next ensuing ordinary meeting.

(2) A minute of the proceedings of the Board or of a committee of the Board certified by the clerk shall be received in evidence without further proof.

(3) Until the contrary is proved every meeting whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee of the Board the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

(4) Copies of the minutes of the proceedings of every meeting of the Board shall after the meeting be sent by the clerk to the clerk of each constituent authority for the information of that authority.

Standing orders of Board.

26. Subject to the provisions of this Act the Board may make standing orders for the regulation of their proceedings and business and of the proceedings and business of committees of the Board and may vary or revoke the same.

Committees of Board.

27.—(1) The Board may appoint out of their own body such and so many committees either of a general or special nature consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be

PART II. —*cont.*

better regulated and managed by means of committees and may delegate with or without any restrictions or conditions as they may think fit any of their powers or duties (except any power of raising money or of issuing any precept for contributions) to any committee of the Board so appointed and may dissolve any such committee so appointed.

(2) The provisions of section 96 of the Act of 1933 with respect to proceedings of committees of a local authority within the meaning of that Act shall apply to committees of the Board as if they were committees of a local authority.

Appointment of officers.

28.—(1) The Board may from time to time appoint and remunerate a clerk and a treasurer who shall not be the same person a manager and an engineer or any of such officers and such other officers clerks and servants as they from time to time think requisite and all officers clerks and servants so appointed shall subject to the terms of any agreement that may be made between the Board and any officer clerk or servant be removable by the Board at their pleasure.

(2) No member of the Board or of any of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of a constituent authority.

Acts not invalidated.

29. No act or proceeding of the Board shall be questioned on account of any vacancy in their body or on account of any defect in the appointment of any member of the Board.

Expenses of attending meetings.

30. The Board may defray any expenses necessarily incurred by members of the Board or of any committee thereof in attending meetings of the Board or any committee of the Board or in travelling by direction of the Board or of any such committee for the purpose of carrying out any of the functions of the Board or such committee.

Power to alter number of members.

31. On the application of any of the constituent authorities the Minister may at any time after giving notice of the application to the other constituent authorities and considering any objections or representations made by them by order alter the number and proportion of members to be appointed by the constituent authorities and may by such order alter the total number of members of the Board and may make any provisions incidental to or consequential on such alteration.

Provision in event of alteration of districts.

32.—(1) If at any time the boundaries or constitution of the districts of any of the constituent authorities are altered then and in every such case the Minister may by order to be published as he shall direct make such provision as to him seems fit for adapting the provisions of this Act to the altera-

PART II. —*cont.*

tions so made and to the incidents and consequences thereof and every such order shall notwithstanding anything contained in this Act to the contrary have effect as if the terms thereof were inserted in this Act.

(2) Before making such an order—

(*a*) the Minister shall in any case in which there shall be any such alteration of boundaries as aforesaid (other than an alteration which in the opinion of the Minister is not material for the purposes of this Act) including an alteration of boundaries in connection with the creation of a municipal borough and may in any other case hold a local inquiry on the subject of which notice shall be given by advertisement or otherwise as the Minister may direct;

(*b*) an opportunity shall be given to any person who appears to the Minister to be affected of stating any objections he may have thereto.

Power to other local authorities to become constituent authorities.

33. If at any time after the passing of this Act any local authority in the county whose borough or district adjoins the limits of supply shall desire to be represented upon the Board and of that desire shall give not less than six months' notice in writing to the clerk and obtain the consent of the Minister thereto such local authority shall be entitled to appoint a representative or representatives upon the Board and thereupon shall become one of the constituent authorities and thereafter the limits of supply shall include the area or such part of the area of such authority as may be included in the consent of the Minister The terms and conditions on which any such local authority shall become a constituent authority shall failing agreement between the Board and such authority with the consent of the Minister be determined by the Minister.

PART III.

TRANSFER OF EXISTING UNDERTAKINGS.

Provisions applicable to undertakings of constituent authorities supplying water.

Transfer of existing undertakings.

34.—(1) Not later than three calendar months before the appointed day the constituent authorities owning water undertakings shall respectively deliver or forward by registered post to the clerk of the county council a statement under heads corresponding with paragraphs (*a*) (*b*) and (*c*) in the definition of "the existing undertakings" which is contained in the section of this Act of which the marginal note is "Interpretation" giving particulars of their respective undertakings and any question arising between the county council or the Board

PART III. —*cont.*

on the one hand and any such constituent authority on the other hand as to the correctness of such statement shall be determined by arbitration.

(2) On the appointed day the existing undertakings shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Board free from all charges debts and liabilities affecting the same and shall be carried on used exercised and enjoyed by the Board for the purposes and according to the provisions of this Act and (subject to those provisions) as the same would or might have been carried on used exercised and enjoyed by the constituent authorities respectively if this Act had not been passed.

Definition of constituent authorities in next four succeeding sections.

35. In the next four succeeding sections of this Act the expression " constituent authorities " means such of the constituent authorities as are immediately before the appointed day owners of a water undertaking.

Repayment to constituent authorities of loan charges.

36.—(1) Subject to the provisions of this section the Board shall as consideration for the transfer of the existing undertakings in every financial year as from the appointed day repay to the constituent authorities respectively sums equivalent to the sums (if any) to be expended during that year by the constituent authorities respectively in the payment of of interest upon and for the repayment of money borrowed prior to the appointed day in respect of their undertakings:

Provided that such sums shall unless otherwise agreed be paid by half-yearly payments.

(2) If any question shall arise as to the method of calculating for the purposes of subsection (1) of this section the sums to be expended by or repaid to the constituent authorities or any of them the same shall be settled by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Chartered Accountants.

(3) Notwithstanding the foregoing provisions of this section the Board on the one hand and any constituent authority on the other hand (with the consent of any person from whom that authority has borrowed money for the purposes of their water undertaking) may enter into and carry into effect agreements for the transfer to the Board by such constituent authority of the outstanding loan or loans to such constituent authority by such person and as from the date upon which such transfer takes effect all liability in respect of any loan or loans so transferred shall be borne by the Board.

Provisions as to receipts and outgoings.

37. The constituent authorities shall respectively be entitled to all rates rents profits and sums of money and shall discharge and pay all outgoings and liabilities in respect of the consti-

PART III. —*cont.*

tuent authority undertakings respectively accruing due up to or which shall have accrued due or become payable prior to the appointed day and the Board shall be entitled to all rates rents profits and sums of money and shall respectively discharge and pay all outgoings and liabilities in respect of the said undertakings which shall accrue due or become payable on or after that day and where necessary for the purposes of this section all revenues and outgoings shall be apportioned between the constituent authorities or any of them and the Board:

Provided that so much of any water rates water rents meter rents deposits or other charges received by the constituent authorities before the appointed day as is in respect of any period subsequent to that day shall be paid to the Board and all rates rents profits and sums of money accruing prior to the appointed day in respect of the constituent authority undertakings but not at that day actually due or payable shall when due be recoverable by the Board who shall pay to the constituent authorities respectively the proportion of all such rents rates profits and sums of money so recovered which shall be attributable to the period prior to the appointed day.

As to exercise by constituent authorities of powers until transfer.

38. The constituent authorities shall not without the previous consent in writing of the county council prior to the first meeting of the Board and thereafter of the Board—

(*a*) enter into any contract or incur any liability other than in the ordinary course of carrying on their respective constituent authority undertakings extending beyond the appointed day or make any unnecessary or exceptional expenditure;

(*b*) vary any rates rents or charges which were being demanded or taken by them respectively on the first day of October nineteen hundred and forty-four;

(*c*) increase the remuneration salaries or emoluments of their officers or servants in connection with the said undertakings respectively beyond their usual remuneration salaries and emoluments at the rate operative on the first day of October nineteen hundred and forty-four.

Transfer of and compensation to officers of constituent authorities.

39.—(1) Every officer and servant who immediately before the appointed day is in the whole-time employment of any of the constituent authorities solely in connection with the existing undertakings (in this Act called "transferred officer") shall on the appointed day become an officer or servant of the Board and shall hold his office or situation by the same tenure and on the same conditions as immediately before the appointed day and while performing similar duties shall in

PART III. —*cont.*

respect thereof receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if this Act had not been passed.

(2) The Board may employ a transferred officer in the discharge of such of their functions as they may think proper and every such officer shall perform such duties in relation to those functions as may be directed by the Board.

(3) (*a*) Every officer and servant who at the date of the passing of this Act is in the employment of any of the constituent authorities and who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office by determination of his appointment (otherwise than for misconduct) or by diminution or loss of emoluments (and for whose compensation for that loss no other provision is made by any enactment for the time being in force) shall be entitled to compensation for that loss from the Board.

(*b*) The provisions of subsections (2) and (3) of section 150 of the Act of 1933 and the provisions of the Fourth Schedule to that Act shall apply as if this Act were an order made under Part VI of that Act and the Board were a local authority.

(*c*) For the purposes of this subsection the expression " existing officer " in subsections (2) and (3) of the said section 150 and the expression " officer " in the said schedule shall be construed as meaning an officer or servant who at the date of the passing of this Act is in the employment of any of the constituent authorities and the expression " emoluments " has the same meaning as in the Act of 1933.

Provisions applicable to the undertaking of the company.

Transfer of undertaking.

40. On the day of transfer the undertaking of the company shall by virtue of this Act and without any conveyance or transfer deed become and shall thenceforth be transferred to and vested in the Board subject to all mortgages debts and liabilities and shall be carried on used exercised and enjoyed by the Board for the purposes and according to the provisions of this Act and (subject to those provisions) as the same would or might have been carried on used exercised and enjoyed by the company if this Act had not been passed.

Consideration payable to the company.

41. The price or consideration to be paid by the Board to the company shall be the sum of fifty-four thousand five hundred pounds and such further sum (if any) as may be necessary to make up the deficiency of any dividends which shall have fallen short of the maximum rate and shall be paid and satisfied on the day of transfer by the issue by the Board to the company or to the company's nominees of four per centum North Devon Water Board stock of the nominal value

PART III. —*cont.*

of fifty-four thousand five hundred pounds and the said further sum of stock (if any) as may be necessary to make up the deficiency of any dividends which shall on the day of transfer have fallen short of the maximum rate created by virtue of the section of this Act of which the marginal note is "Creation of stock as consideration for transfer" and issued by the Board under the provisions of this Act The certificates of such stock shall be made out in the names of such persons as the company having regard to the provisions of the section of this Act of which the marginal note is "Distribution of stock among shareholders of company" may require.

Distribution of stock among shareholders of company.

42. The said amount of fifty-four thousand five hundred pounds and the said further sum of stock (if any) referred to in the preceding section of this Act shall be distributed by the directors of the company among the several persons who on the day of transfer are the registered holders of shares in the capital of the company or their respective executors or administrators (in this section referred to as "holders") as follows:—

(*a*) The sum of thirty thousand pounds of such stock among the holders of ordinary shares entitled to a maximum dividend of ten per centum per annum in proportion to the amounts of their respective holdings;

(*b*) The sum of twenty-four thousand five hundred pounds of such stock among the holders of ordinary shares entitled to a maximum dividend of seven per centum per annum in proportion to the amounts of their respective holdings;

(*c*) The said further sum of stock (if any) among the holders of the ordinary shares in proportion to the deficiency of dividends on their shares.

Mortgages of company to be a charge on undertaking.

43. The mortgages granted by the company and the interest thereon shall as from the day of transfer and until discharged be a charge on the undertaking of the Board and the said mortgages shall as from the day of transfer be deemed to have been executed by the Board in exercise of a statutory borrowing power granted under this Act and trustees executors administrators and all persons legally holding such mortgages in any representative or fiduciary capacity may continue to hold them Provided that nothing in this or any other section of this Act contained shall affect the priority of any rentcharge or sum reserved by or payable under any conveyance or lease granted to the company in pursuance of the Company's Acts or any Acts incorporated therewith and which is entitled to rank in priority to or pari passu with the interest on the debenture stock of the company.

PART III. —*cont.*

Receipt for stock.

44.—(1) The receipt in writing of two directors of the company for any stock certificates delivered to the company or any other person with the consent of the company by the Board shall effectually discharge the Board from the sum or amount of stock which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof.

(2) If from any cause the Board are unable to obtain such receipt from the directors of the company they may deposit the stock certificates due to the company into or with the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Board by the cashier of the said bank for the money or stock certificates which shall have the same effect as the receipt of two directors of the company.

Evidence of transfer.

45. The production of a King's Printer's copy of this Act duly stamped together with a receipt for the price or consideration purporting to be signed by two directors of the company or by the cashier of the Bank of England shall (unless it be proved that the price or consideration has not been paid) be conclusive evidence in all courts and proceedings of the transfer and vesting in the Board of the undertaking of the company concerned.

Board to pay debts and to be entitled to rents &c. after transfer.

46. The Board shall pay and discharge (so far as the same shall not have been previously discharged by the company) the debts outgoings and liabilities of the company (other than debts outgoings and liabilities in respect of any contract agreement liability or other obligation made or entered into in contravention of the provisions of the section of this Act of which the marginal note is "Exercise by company of powers until transfer &c.") properly chargeable against the company and shall be entitled as from the day of transfer to all rates rent profits and other receipts receivable in respect of the undertaking.

Rates &c. to continue in force.

47. All rates rents and charges in connection with the undertaking of the company which have been lawfully made charged or imposed and which on the day of transfer are due or if this Act had not been passed would have accrued due to the company shall continue in force and be due and payable and may be collected recovered or enforced by the Board as and when the same might have been payable to and collected recovered and enforced by the company if this Act had not been passed.

PART III. —*cont.*

Exercise by company of powers until transfer &c.

48.—(1) As from the date of this Act until the day of transfer the undertaking of the company shall be managed and carried on until the day of transfer by the company in the ordinary course of business and in accordance with the provisions of this section and all moneys received and paid by the company in respect of any period after the day of transfer shall (subject as in this section provided) be deemed to be received and paid for and on account of the Board and the Board shall pay and discharge and indemnify the company against all expenses liabilities and engagements whatsoever incurred or entered into by them in the ordinary course of business in relation to any such period for the purposes of and in the course of so carrying on the undertaking of the company.

(2) The company shall not without the previous consent of the Board in writing under the hand of the clerk or the clerk of the county council prior to the appointment of the clerk—

(*a*) enter into any contract or incur any liability other than in respect of legal accountancy and engineering charges incidental to the carrying this Act into effect and other than in the ordinary course of carrying on their undertaking or make any unnecessary or exceptional expenditure;

(*b*) raise any money by borrowing or charge or dispose of or distribute any of their assets or create or issue any capital debentures or debenture stock;

(*c*) vary any rates rents or charges which were being demanded or taken by them on the first day of May nineteen hundred and forty-four;

(*d*) increase the remuneration salaries or emoluments of the directors auditors officers or servants of the company beyond their usual remuneration salaries and emoluments at the rate operative on the first day of May nineteen hundred and forty-four;

(*e*) grant any pensions or retiring gratuities.

Compensation to directors and auditors of company.

49.—(1) The Board shall within one month after the day of transfer pay to each of the directors of the company holding office on the thirtieth day of April nineteen hundred and forty-four and who are alive at the day of transfer as compensation for loss of office a sum of money equivalent to seven times the amount received by such director from the company in respect of his fees as such director during the year nineteen hundred and forty-two.

(2) The Board shall also within one month of the day of transfer pay to each auditor of the company holding office at the date of transfer as compensation for loss of office a sum

equal to three times the amount of the fees received by such auditor from the company during the year nineteen hundred and forty-two. PART III. —*cont.*

As to secretary and manager and staff of company.

50.—(1) The Board shall as from the day of transfer take over and employ the manager and secretary and the members of the permanent staff of the company at rates of remuneration not less than those which the said manager and members of the staff were receiving from the company on the twentieth day of November nineteen hundred and forty-four or as may be otherwise agreed between the Board and the said manager and members of the staff respectively.

(2) Any official of the company whose appointment is determined within five years after the day of transfer because his services are not required or his duties are diminished no misconduct being established shall be entitled to compensation under the provisions of the section of this Act whereof the marginal note is " Transfer of and compensation to officers of constituent authorities " as though he were an officer of a constituent authority.

Winding up and dissolution of company.

51.—(1) From and after the day of transfer the company shall subsist only for the purpose of receiving and recovering the stock to which they or the shareholders of the company become entitled under this Act and of distributing such stock and winding up their affairs and carrying into effect the purposes of this Act so far as they relate to the company and the directors of the company who are in office at the day of transfer and the survivor or survivors of those directors shall continue without re-election to hold office and those directors or the majority of them or (if a liquidator of the company be duly appointed) the liquidator shall have power and authority to take with respect to the company all proceedings necessary for carrying into effect the purposes of this section.

(2) If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of the winding up of the company or the appointment of a liquidator thereof the continuing directors shall from time to time appoint a person or persons who immediately prior to the day of transfer was or were a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

(3) As soon as may be after the day of transfer the directors of the company or such liquidator as aforesaid shall proceed to wind up the affairs of that company and shall distribute the certificates of the North Devon Water Board stock to and

PART III —*cont.*

amongst the several persons who on the day of transfer are the registered holders of shares of the company or their respective executors administrators and assigns in accordance with this section.

(4) The company shall on publication in a local newspaper circulating in the borough of Barnstaple of a notice signed by two or more directors and certifying that all the provisions of this Act relating to the company have been complied with be dissolved.

(5) In case the directors of the company or such liquidator as aforesaid are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any stock ought to be distributed or who can give an effectual receipt for the same they may deposit such stock with the High Court under any Act for the time being in force for the relief of trustees and every such deposit shall effectually discharge the company and the directors of that company from any further liability with respect to such stock.

Partial repeal of certain enactments.

52.—(1) Subject to the provisions of this Act the Board shall as from the day of transfer have the powers and rights of and be subject to the obligations contained in the provisions which are set out in the First Schedule to this Act as if the Board were named in those provisions instead of the company.

(2) Subject to the provisions of subsection (1) of this section the Barnstaple Acts shall as from the day of transfer be repealed except so far as may be necessary to give effect to the provisions of this Act.

Provisions applicable to all existing undertakings.

Savings.

53.—(1) In this section the expression "the transferor" means the company or any of the constituent authorities owning a water undertaking (as the case may be).

(2) Notwithstanding the provisions of the section of this Act of which the marginal note is "Partial repeal of certain enactments" and notwithstanding the transfer to the Board of the existing undertakings and of the undertaking of the company the following provisions shall have effect (that is to say):—

(*a*) If on the appointed day in the case of any of the constituent authorities owning a water undertaking and the day of transfer in the case of the company any action arbitration or proceeding or any cause of

action arbitration or proceeding is pending or existing against or in favour of the transferor in relation to any property right privilege debt liability or obligation transferred to the Board the same shall not abate or be discontinued or in any wise prejudicially affected by reason of such transfer but the same (save so far as it relates to any mortgages or other similar charges of the transferor or to any contract agreement liability or other obligation made or entered into in contravention of the provisions of the sections of this Act of which the respective marginal notes are " As to exercise by constituent authorities of powers until transfer " and " Exercise by company of powers until transfer &c.") may be continued prosecuted and enforced by against or in favour of the Board as and when it might have been continued prosecuted and enforced by against or in favour of the transferor if this Act had not been passed;

(*b*) Except as by this Part of this Act otherwise provided all agreements conveyances contracts deeds and other instruments entered into or made with or by the transferor and in force on the day of transfer or the appointed day (as the case may be) shall be as binding and of as full force and effect in every respect against or in favour of the Board and may be enforced as fully and effectually as if instead of the transferor the Board had been a party thereto:

Provided that no agreement conveyance contract deed or other instrument shall be binding on or of any force or effect against or in favour of the Board if entered into or made in contravention of the provisions of the sections of this Act of which the marginal notes are " As to exercise by constituent authorities of powers until transfer " and " Exercise by company of powers until transfer &c.";

(*c*) All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the transferor shall be admitted in evidence in respect of the same or the like matter for or against the Board or the company as the case may be.

PART IV.

LANDS.

Power to take lands.

54. Subject to the provisions of this Act the Board may enter upon take and use all or any of the lands shown on the

PART IV. —*cont.*

deposited plans and described in the deposited book of reference which they may require for the purposes of this Act.

Acquisition of easements.

55.—(1) The Board may in lieu of acquiring any lands for the purposes of the works authorised by this Act acquire such easements and rights only in such lands as they may require for such purposes (including the making maintaining repairing inspecting cleansing managing using working and obtaining access to such works) and may give notice to treat in respect of such easements and rights describing the nature thereof and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed to be part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845.

(2) As regards any lands in respect of which the Board have acquired easements or rights only under the provisions of this section the Board shall not be required or except by agreement entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

Extinction of private rights of way.

56.—(1) All private rights of way over any lands which the Board are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands be extinguished except to the extent to which the Board shall by resolution otherwise determine.

(2) Provided that the Board shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Limiting quantity of common land to be taken.

57.—(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Board shall not purchase or take under the powers conferred by this Act any greater quantity of the common or commonable land than as stated in the following table (that is to say):—

PART IV. —*cont.*

1	2	3	4
Purposes for which land required.	Name by which the land is known.	Parish in which land is situate.	Quantity to be taken.
			A. R. P.
Work No. 1	Belstone Common ...	Belstone	1 2 32
	Belstone Common ...	South Tawton ...	1 3 38
Work No. 2	Belstone Common ...	Belstone	Easement only.
			2 0 0
	Belstone Green ...	Belstone ...	Easement only.
			0 2 16
Work No. 4	Bridestowe and Sourton Common	Lands common to the parishes of Bridestowe and Sourton ...	1 3 32
	Moorland	Okehampton Hamlets ...	2 0 16
Work No. 5	Moorland	Okehampton Hamlets ...	Easement only.
			2 0 5
Work No. 8	Prewley Moor ...	Sourton	Easement only.
			1 0 17
Work No. 9	Brenamoor Common	Belstone	Easement only.
			0 0 2
	Bondleigh Moor ...	Bondleigh ...	Easement only.
			0 3 12
	Roborough Common	Roborough ...	Easement only.
			0 2 34
Work No. 10	Prewley Moor ...	Sourton	Easement only.
			1 1 33
	Great Torrington Common	Great Torrington	Easement only.
			0 0 1
Work No. 14	Haresdown Common	Knowstone ...	0 3 21

(2) The Board shall restore as far as practicable the surface of any common or commonable land disturbed during the construction of the lines of pipes authorised by this Act as soon as possible after the completion of such works.

Further powers of entry.

58. At any time after notice to treat has been served for any land which the Board are by this Act authorised to purchase compulsorily the Board may after giving to the owner and occupier of the land not less than one month's notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Period for compulsory purchase of lands.

59. The powers of the Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the first day of October

PART IV. —*cont.*

nineteen hundred and forty-five or two years after the termination of the war period whichever is the later.

Power to enter property for survey and valuation.

60. The Board and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Compensation in case of recently acquired interest.

61. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the first day of June nineteen hundred and forty-four if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Persons under disability may grant easements.

62. 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 Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to purchase additional lands by agreement.

63.—(1) The Board 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 water undertaking (including the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Board are empowered to take) 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 Board deem necessary for those purposes.

PART IV. —*cont.*

(2) Provided that the Board shall not create or permit the creation or continuance of any nuisance on any such lands nor (without the approval of the Minister) erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Board.

(3) The Board 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 water which the Board are empowered to take from being polluted and the Board may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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

Retention and disposal of lands.

64.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Board may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that the Board shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

PART IV. —*cont.*

(2) Nothing in this section shall release the Board or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions payable in respect of or affecting the land other than the restrictions imposed by sections 127 to 131 of the Lands Clauses Consolidation Act 1845 but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

Reservation of water rights &c.

65. The Board on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of sale of surplus lands.

66. The Board may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Board shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

Houses for persons in employment of Board.

67.—(1) The Board may purchase or take on lease houses and other buildings for persons employed by them for the purpose of their undertaking and offices and other buildings for those purposes and may erect fit up and maintain and let any such houses and buildings upon any lands for the time being belonging to the Board and (subject to the terms of the lease) upon any lands for the time being leased to the Board for those purposes.

(2) Nothing contained in this section shall empower the Board to create or permit a nuisance.

PART V.

WATERWORKS.

Power to maintain &c. transferred works.

68. The Board may—

(1) maintain repair renew alter enlarge improve and extend the reservoirs wells boreholes pumping stations mains pipes and other waterworks transferred to them by virtue of this Act;

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(2) erect lay down provide and maintain upon lands vested in the Board by virtue of this Act for the purposes of the undertaking additional and other works and apparatus;

(3) lay down provide and maintain additional and other aqueducts mains and pipes subject to the provisions of this Act and of the Acts incorporated therewith; and

(4) sell and supply water in accordance with the provisions of this Act.

Power to make waterworks.

69. Subject to the provisions of this Act the Board may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections and upon the lands delineated on those plans and described in the deposited book of reference the following works in the county (namely):—

In the rural district of Okehampton—

Work No. 1 An intake weir across the river Taw in the parishes of Belstone and South Tawton at a point 350 yards or thereabouts measured downstream from the intersection of the line of the wall known as "Irishman's wall" with the said river;

Work No. 2 A line or lines of pipes wholly in the parish of Belstone commencing in the intake weir Work No. 1 and terminating in enclosure numbered 347 on the 1/2500 Ordnance map of Devonshire (sheet LXXVII.5 revision of 1936);

Work No. 3 Treatment works and service reservoir in the parish of Belstone in enclosure numbered 347 on the said 1/2500 Ordnance map (sheet LXXVII.5 revision of 1936);

Work No. 4 An intake across the West Okement River partly in the parish of Okehampton Hamlets and partly in Bridestowe and Sourton common lands common to the parishes of Bridestowe and Sourton at a point 630 yards or thereabouts measured upstream from the Vellake gauge weir confirmed by the next succeeding section of this Act;

Work No. 5 A line or lines of pipes commencing in the intake Work No. 4 and terminating in the parish of Sourton in enclosure numbered 660 on the said 1/2500 Ordnance map (sheet LXXVI.14 second edition 1906);

Work No. 6 A tunnel commencing in the parish of Okehampton Hamlets in enclosure numbered 1769 on the said 1/2500 Ordnance map (sheet LXXVI.15

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second edition 1906) and terminating in the parish of Sourton in enclosure numbered 659 on the said 1/2500 Ordnance map (sheet LXXVI.14 second edition 1906);

Work No. 7 Treatment works and service reservoir in the parish of Sourton in the enclosure numbered 660 on the said 1/2500 Ordnance map (sheet LXXVI.14 second edition 1906);

Work No. 8 An access road in the parish of Sourton commencing in Work No. 7 and terminating at a point on the Okehampton-Tavistock main road 200 yards or thereabouts measured in a south-westerly direction from the fourth milestone from Okehampton:

In the rural districts of Okehampton and Torrington—

Work No. 9 A line or lines of pipes commencing in Work No. 3 and terminating in the parish of Yarnscombe in the rural district of Torrington in the enclosure numbered 207 on the said 1/2500 Ordnance map (sheet XX.14 second edition 1904):

In the rural districts of Okehampton Holsworthy and Torrington—

Work No. 10 A line or lines of pipes commencing in Work No. 7 and terminating in the said parish of Yarnscombe in the enclosure numbered 189 on the said 1/2500 Ordnance map (sheet XXX.1 second edition 1904);

Work No. 11 A service reservoir in the said parish of Yarnscombe in the enclosure numbered 207 on the said 1/2500 Ordnance map (sheet XX.14 second edition 1904):

In the rural district of Bideford—

Work No. 12 A service reservoir in the parish of Clovelly in the enclosure numbered 734 on the said 1/2500 Ordnance map (sheet XVIII.13 second edition 1905):

In the rural district of South Molton—

Work No. 13 A service reservoir in the parish of Meshaw in enclosure numbered 182 on the said 1/2500 Ordnance map (sheet XXXII.8 second edition 1904);

Work No. 14 A service reservoir in the parish of Knowstone on Haresdown numbered 802 on the said Ordnance map (sheet XXIII.15 second edition 1905) at a point 400 yards or thereabouts measured due north from the north-western corner of "Great Plantation":

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In the rural district of Tavistock—

Work No. 15 A service reservoir in the parish of Brentor in enclosure numbered 325 on the said Ordnance map (sheet XCVII.7 second edition 1906):

In the rural district of Barnstaple—

Work No. 16 An impounding reservoir (to be called "the Wistlandpound reservoir") in the parishes of Arlington Kentisbury Bratton Fleming and Challacombe to be formed by a dam across the Bratton Fleming branch of the river Yeo commencing in the parish of Arlington in enclosure numbered 329 and terminating in the parish of Bratton Fleming in the property numbered 1298A on the said 1/2500 Ordnance map (sheet VI.14 second edition of 1904);

Work No. 17 A line or lines of pipes commencing at Work No. 16 in the parish of Arlington and terminating in the parish of Landkey in the main road from Barnstaple to South Molton at Landkey Newland;

Work No. 18 A service reservoir in the parish of Georgeham in the enclosure numbered 1144 on the said 1/2500 Ordnance map (sheet IV.15 second edition 1904).

Confirmation of and power to maintain existing work.

70.—(1) The construction by the county council on behalf of the Board of the work hereinafter described and shown on the deposited plans is hereby sanctioned and confirmed and the Board may maintain repair renew alter and improve the said work.

(2) The work referred to in subsection (1) of this section is—

A gauge weir (hereinafter called "the Vellake gauge weir") across the West Okement River in the parish of Okehampton Hamlets and lands common to the parishes of Bridestowe and Sourton in the rural district of Okehampton at a point 140 yards or thereabouts measured upstream from Vellake Corner.

Diversion of track.

71.—(1) The Board may divert in the manner shown on the deposited plans the roadway known as North Thorne Lane and the track or footpath in continuation thereof in the parishes of Arlington and Bratton Fleming in the rural district of Barnstaple over the dam of Work No. 16 authorised by this Act and marked on the said plans as intended to be diverted and may stop up and cause to be discontinued as a roadway and track or footpath so much of the existing roadway and track or footpath as would be rendered unnecessary by the new portion of roadway and track or footpath shown on the deposited plans but the Board shall not

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stop up the existing portion of roadway and track or footpath until two justices acting in and for the county of Devon shall have certified that the said new portion of roadway and track or footpath has been completed to their satisfaction and opened for public use.

(2) As from the date of the said certificate all public rights of way (if any) over or along the said existing portion of roadway and track or footpath shall be extinguished and the Board may appropriate and use for the purposes of the undertaking the site of the portion of roadway and track or footpath stopped up as far as the same is bounded on both sides by lands of the Board and the site of such portion of roadway and track or footpath shall be vested in them.

Subsidiary and additional works.

72. Subject to the provisions of this Act the Board may upon the lands for the time being belonging to them in connection with the undertaking—

(*a*) make and maintain all such cuts channels wells adits catchwaters pump-houses tunnels pipes conduits culverts drains sluices bye-washes shafts watertowers overflows waste-water channels gauges filter-beds reservoirs tanks banks walls bridges roads ways embankments piers approaches buildings telegraphic telephonic and other means of communication rails plates sleepers sidings stations depots platforms sheds cranes engines machinery and appliances as may be necessary or convenient for the purposes of the undertaking; and

(*b*) execute for the purposes of the undertaking or in connection therewith any of the works and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847;

but the Board shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands.

Limits of deviation.

73. In the construction of the works authorised by this Act the Board may deviate laterally to any extent within the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of the road (including for this purpose any roadside waste forming part of or adjoining the road) shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent:

Provided that no embankment for a reservoir shall be constructed at any greater height above the general surface of the ground than that shown on the deposited sections and six feet in addition thereto:

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Provided also that except for the purpose of crossing over a river stream canal dyke watercourse or railway no part of the lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

74. If the works authorised by this Act and shown upon the deposited plans and sections are not completed on or before the first day of October nineteen hundred and fifty-five or eight years after the termination of the war period whichever is the later then as from that date the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed:

Provided that the Board may extend enlarge alter reconstruct renew or remove any of the said works and in the case of the lines of pipes lay down additional lines of pipes as and when occasion may require.

Power to take waters.

75. Subject to the provisions of this Act the Board may collect impound take use divert and appropriate for the purposes of the undertaking the waters of the river Taw and the West Okement River and the several feeders and tributaries thereof as may be intercepted by means of the intakes Works Nos. 1 and 4 authorised by this Act and the waters of the Bratton Fleming branch of the river Yeo and the several feeders and tributaries thereof as may be intercepted by means of the Wistlandpound reservoir Work No. 16 and all such streams springs and waters as may be intercepted by means of any of the works referred to in the section of this Act of which the marginal note is "Power to maintain &c. transferred works."

Compensation water.

76.—(1) In this section the expression "the specified rate" means a uniform rate of one hundred and fifty thousand gallons per twenty-four hours.

(2) During the construction of the Wistlandpound reservoir the Board may subject as hereinafter provided take from the Bratton Fleming branch of the river Yeo such water as they may require:

Provided that before taking any water from such river they shall at or near the site of the dam and in any case at a point not more than one hundred yards from the foot of the dam of the Wistlandpound reservoir construct an approved gauge to gauge the flow of the Bratton Fleming branch of the river Yeo and while the flow of water through or over the gauge is less than the specified rate they shall not take any water.

(3) During the first filling of the Wistlandpound reservoir after its completion the Board shall discharge through the

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gauge to be provided pursuant to subsection (4) of this section in a uniform and continuous flow a quantity of water at the specified rate so long as there shall be in the Wistlandpound reservoir sufficient water to enable them to comply with this provision.

(4) After the first filling of the Wistlandpound reservoir the Board shall at or near the site of the dam of the Wistlandpound reservoir and in any case at a point not more than one hundred yards from the foot of the dam of the reservoir during every day of twenty-four hours reckoned from midnight discharge into the Bratton Fleming branch of the river Yeo from that reservoir in a uniform and continuous flow a quantity of water at not less than the specified rate and for the purpose of gauging such discharge they shall construct and maintain in good order an approved gauge at or near the site of the embankment of the Wistlandpound reservoir.

(5) If the Board—

(*a*) fail to construct or maintain in good order any such gauge as aforesaid or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or

(*b*) take any water from the Bratton Fleming branch of the river Yeo contrary to the provisions of subsection (2) of this section or fail to comply with the requirements of subsections (3) and (4) of this section with respect to the discharge of water into the said Bratton Fleming branch of the river Yeo;

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

(6) In this section the expression "gauge" includes a gauge weir or other apparatus for measuring the flow of water and the expression "approved" means approved by the Minister and for the purposes of this section a catchment board a fishery board a rivers board and a navigation authority shall be deemed to be interested in the flow of water in and the discharge of water into any stream within their area or district or as the case may be any part of their system of navigation and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

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(7) The foregoing provisions of this section shall be deemed to have been accepted by all persons interested as full compensation for all water impounded by the Wistlandpound reservoir except in respect of any land between the foot of the dam of that reservoir and the point of discharge referred to in subsection (4) of this section.

4 & 5 Geo. 5. c. 58.

(8) Subject to the provisions of section 5 of the Criminal Justice Administration Act 1914 any fine recovered under this section on the complaint of a fishery board or of an officer of or person authorised by a fishery board shall as to the whole or such part thereof as the court may determine be paid to the fishery board in respect of the costs of the prosecution.

Restrictions on taking water from rivers Taw and West Okement.

77.—(*a*) The Board shall not take any water from the river Taw by means of Work No. 1 or from the West Okement River by means of Work No. 4 by this Act authorised so as to reduce the quantity of water passing down the respective rivers immediately below the said Work No. 1 and the Vellake gauge respectively to less than in the case of the river Taw six hundred thousand gallons and in the case of the West Okement River four hundred thousand gallons during each and every day of twenty-four hours reckoned from midnight upon which water is abstracted.

(*b*) Subject to the preceding subsection the Board shall not in any one day of twenty-four hours reckoned from midnight abstract from the river Taw a greater quantity of water than will amount to four hundred thousand gallons and in addition one-fourth of the flow of that river at Work No. 1 on that day which is in excess of one million gallons nor from the West Okement River a greater quantity of water than will amount to eight hundred thousand gallons and in addition one-fourth of the flow of that river at the Vellake gauge weir on that day which is in excess of one million two hundred thousand gallons.

(*c*) For the purpose of measuring the quantity of water which by this section the Board are required to permit to pass down the river Taw and the West Okement River respectively the Board shall before taking diverting or appropriating any such water erect and maintain at or near Work No. 1 by this Act authorised and at or near the Vellake gauge weir approved gauges similar to the gauges required by the last preceding section of this Act over or through which respectively the water shall pass.

(*d*) Subsections (5) (6) and (8) of the preceding section of this Act shall apply to such gauges as if they had been re-enacted in this section.

(*e*) The Board shall provide at Work No. 3 in respect of the river Taw and at Work No. 7 in respect of the West Okement River an approved recording meter through which all water

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taken from each of the said rivers shall pass and such meters and the records therefrom shall at all reasonable times be open to the inspection of the fishery board for the Taw and Torridge fishery district and copies of such records may be taken by the said fishery board.

Restriction on works for abstraction of water.

78. The Board shall not construct any works for taking or intercepting water (other than works for intercepting foul water) from any lands acquired by or vested in them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament or Order confirmed by Act of Parliament:

Provided also that for the purposes of this section works which are comprised in the existing undertakings and any works constructed by the Board in pursuance of the section of this Act of which the marginal note is "Board to have powers of local authority for supply of water" and any works carried out by the Board under the powers of the section of this Act of which the marginal note is "Power to maintain &c. transferred works" shall be deemed to be situate upon lands which are specified in this Act.

For protection of Farm Industries Limited.

79. For the protection of Farm Industries Limited or other the owner or owners for the time being of the premises known as the North Tawton Woollen Mills in the parish of North Tawton (hereinafter called "the owners") the following provisions shall unless otherwise agreed between the Board and the owners apply and have effect (that is to say):—

(1) Before commencing to collect impound take use divert or appropriate for the purposes of the undertaking any of the waters of the river Taw the Board shall pay to the owners the sum of five hundred and fifty pounds as compensation in respect of the loss of water power at the said mills resulting from such collection impounding taking user diversion and appropriation under the provisions of this Act:

(2) The foregoing provisions of this section shall be deemed to have been accepted by the owners as full compensation for all water taken by the Board from the river Taw by means of Work No. 1 by this Act authorised not exceeding seven hundred thousand gallons per day on the average of a complete year or one million gallons per day on the average in any week commencing at midnight on Sunday or an aggregate of two hundred and fifty-six million gallons in any year.

Temporary stoppage of streets.

80.—(1) The Board during and for the purpose of the execution of the works authorised by this Act or during the exercise by the Board of the powers of this Act whereof the

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respective marginal notes are " As to mains to be laid by Board " " Power to lay connecting mains " and " Board to have powers of local authority for supply of water " may temporarily stop up divert and interfere with any street 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 in the street from passing along and using the same.

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

(3) The Board shall at all times during the execution of any such work maintain a reasonably sufficient access both for vehicular and pedestrian traffic bona fide to or from any railway station or depot in the neighbourhood of the street.

(4) (*a*) In this subsection—

" the undertakers " means as the circumstances require any of the following companies:—

The Barnstaple Gas Company;

The Bideford Gas and Coke Company Limited;

The Crediton Gas Company;

The Ilfracombe Gas Company;

The Okehampton Gas Company Limited;

The Tavistock Lighting Coal and Coke Company Limited; and

The West Devon Electric Supply Company Limited;

" apparatus " means mains pipes valves stopcocks electric lines or other works or apparatus.

(*b*) Notwithstanding the temporary stopping up or diversion of or interference with any street under the powers of this section the undertakers their engineer workmen and others in their employ shall at all times have all such rights of access to all or any apparatus of the undertakers situate in or under any such street as they had immediately before the passing of this Act and shall be at liberty to execute and do all such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing such apparatus.

Sheep dipping and washing.

81.—(1) If in the opinion of the Board it shall be expedient in order to preserve the purity of the waters which they are by this Act authorised to take to prohibit the dipping or washing of sheep (with or without the use of chemicals) in any such waters the Board shall have power to prohibit such dipping or washing of sheep:

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Provided that before the Board carry this provision into effect in respect of any place where it has been the practice to dip or wash sheep they shall provide and maintain in the nearest convenient and available situation another suitable dipping or washing place and also a suitable folding place in the vicinity thereof.

(2) Any person aggrieved by any prohibition issued by the Board under this section may within three months after the issue thereof appeal to a court of summary jurisdiction held for the petty sessional division in which the prohibition is to take effect provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Board.

(3) On any such appeal the court shall have power to cancel the prohibition or to allow the prohibition unconditionally or subject to such conditions as to the area within which it shall take effect or as to the provision and maintenance of another suitable dipping or washing place or otherwise as they may think fit and to award costs which costs shall be recoverable summarily as a civil debt.

Application of Waterworks Clauses Act 1847.

82. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets of the lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Board may erect or lay down for the purposes of the undertaking:

Provided that the Board shall not construct lay down erect and maintain any discharge pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road or bridge or approach belonging to or maintainable by any railway company except with the consent in writing of such railway company which consent shall not be unreasonably withheld and under the superintendence (if given) and to the reasonable satisfaction of the engineer of such railway company.

For protection of Postmaster-General.

83. Any telephone or telegraph posts wires conductors or apparatus or other means of communication made erected laid down or maintained by the Board under the provisions of this Act shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall be so constructed maintained 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.

32 & 33 Vict. c. 73.

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Meters may be placed in streets to measure water or detect waste.

84.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Board may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Board and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere with temporarily public and private streets sewers gas or water pipes electric lines wires and apparatus.

(2) Provided that the Board shall not interfere with (*a*) any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 or (*b*) any works or apparatus of any electricity undertakers except in accordance with the provisions of section 15 of the Electric Lighting Act 1882 or section 17 of the schedule to the Electric Lighting Clauses Act 1899 or (c) any pipes or apparatus of any gas undertakers except under the supervision (if given) of an authorised officer of those undertakers and in accordance with plans approved by them or by such officer or in case of any difference by a court of summary jurisdiction.

(3) Provided also that the Board shall not under the provisions of this section enter upon break up or interfere with the railways or works or any street or road or any electric lines wires or apparatus belonging to or maintained by a railway company without the consent of that company (such consent not to be unreasonably withheld) or unreasonably interfere with or render less convenient the access to or exit from any station or depot of a railway company.

Accommodation for workmen employed on construction of works.

85. The Board shall to the satisfaction of the county council 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.

As to mains to be laid by Board.

86.—(1) Within a reasonable time after the Board are in a position to supply water by means of the works authorised by this Act or transferred to the Board under this Act the Board shall lay mains and construct such ancillary works as are necessary for the supply of the villages and places described in the Second Schedule to this Act but this provision

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shall not require the Board to do anything which is not practicable at a reasonable cost and in laying such mains the Board shall have regard to the relative needs of the particular village or place for a supply of water.

(2) If any question arises under this section as to whether anything is or is not practicable at a reasonable cost or as to the mains to be laid in the first instance and the order in which they should be laid or as to the point or points to which mains must be carried the Minister if requested so to do by the county council or by ten or more local government electors in the district of the local authority shall after consulting the Board determine that question and the Board shall give effect to his determination.

Power to lay connecting mains.

87. For the purpose of conveying water from one part of the limits of supply to another part thereof the Board may exercise as regards any street outside the limits of supply the powers conferred upon them by the Waterworks Clauses Act 1847 with reference to the breaking up of streets for the purpose of laying pipes as if such street were within the limits of supply but nothing in this section shall authorise the Board to supply water beyond such limits.

For protection of county council.

88. For the protection of the county council the following provisions shall unless otherwise agreed in writing between the county council and the Board have effect with respect to the execution of any works authorised by this Act or the exercise of any of the powers of this Act affecting any county road or county bridge (that is to say):—

(1) In this section—

"the county surveyor" means the county surveyor to the county council;

"the Act of 1847" means the Waterworks Clauses Act 1847:

(2) The notice required by section 30 of the Act of 1847 to be given to the county council shall (except in cases of emergency) be not less than seven clear days instead of three clear days:

(3) The plan required by section 31 of the Act of 1847 shall if so requested by the county council be accompanied by a section and description of the proposed works and shall (except as aforesaid) be delivered to the county surveyor by the Board in the case of the lines of pipes authorised by the section of this Act whereof the marginal note is "Power to make waterworks" not less than twenty-eight days and in the case of any other mains to be laid by the Board under the powers of this Act not less than fourteen days before the Board commence to interfere with any county bridge

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or to open or break up any county road for the purpose of executing the works If the county surveyor shall not within twenty-eight days in the case of a plan relating to the lines of pipes authorised by the said section and in the case of any other plan within fourteen days after the plan section and description shall have been delivered to him express his approval or disapproval thereof or signify his requirements in relation thereto he shall be deemed to have approved thereof:

(4) Nothing in this Act shall authorise the Board to interfere with the structural part of any county bridge without the consent in writing of the county surveyor but such consent shall not be unreasonably withheld and may be given upon such conditions as the county surveyor may reasonably determine:

(5) Subject to the provisions of the section of this Act whereof the marginal note is "Temporary stoppage of streets" all works of the Board shall be so executed (so far as reasonably practicable) as not in any way to impede or interfere with the traffic on any county road or over any county bridge:

(6) The Board shall not construct any reservoir authorised by this Act or any addition or alteration thereto nearer to the middle of any county road than the following distances (that is to say):—

Class I roads	100 feet
Class II roads	75 feet
Unclassified roads	50 feet

(7) If any difference at any time arises between the county council and the Board touching this section or anything to be done or not to be done thereunder such difference shall be determined in the manner provided by section 31 of the Act of 1847.

For protection of Ilfracombe Urban District Council.

89. For the protection of the urban district council of Ilfracombe (in this section referred to as "the council") the following provisions shall unless otherwise agreed in writing between the council and the Board have effect (that is to say):—

(1) In this section "the main" means the main of the council conveying water from their Challacombe sources of supply to the urban district of Ilfracombe:

(2) Before commencing to fill the reservoir (Work No. 16) by this Act authorised the Board shall raise the level of the main where it is carried across the river Yeo by means of a bridge to such extent as shall be

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necessary to ensure that no part of the main will be below the top water level of the said reservoir (Work No. 16) and shall provide proper and sufficient means of support for the portion of the main of which the level is so raised:

(3) The said raising of level shall be carried out and the said means of support shall be provided in accordance with plans sections and particulars to be previously submitted to and approved by the council and to their reasonable satisfaction Provided that if the council do not within twenty-eight days after the receipt of such plans sections and particulars intimate in writing to the Board any objection thereto or any requirements with reference thereto they shall be deemed to have approved thereof and that any difference between the council and the Board with reference to the said plans sections and particulars shall be determined by arbitration:

(4) The Board shall before commencing to raise the level of the main make and until the completion of such raising of level maintain to the reasonable satisfaction of the council such provision as the council may reasonably require for preventing any interruption in the passage of water conveyed by the main:

(5) The Board shall give to the council not less than twenty-eight days' notice in writing of the date on which they intend to commence the execution of any works pursuant to this section and the said works shall be executed under the superintendence of the council if they shall choose to attend:

(6) The Board shall repay to the council the amount of all costs fees and expenses reasonably incurred by the council in connection with the approval of plans sections and particulars and the supervision of the execution by the Board of the works referred to in this section:

(7) The Board shall at all times after the provision of the said means of support maintain and keep in repair and whenever necessary renew the same to the reasonable satisfaction of the council:

(8) If notwithstanding the making and maintenance of such provision as is referred to in subsection (4) of this section any water is lost from the main during and by reason of the execution of the raising of the level thereof or by reason of the failure at any time of the means of support to be provided pursuant to subsection (2) of this section the Board shall pay

PART V. —*cont.*

to the council by way of compensation for such loss such sum as may be agreed between them or as failing such agreement shall be determined by arbitration and shall also indemnify the council against all claims demands costs charges and expenses which may be made against or incurred by the council by reason or in consequence of such loss of water:

(9) If under the powers of this Act the Board acquire the properties respectively numbered on the deposited plans 2 5 10 and 19 in the parish of Challacombe and 9 12 and 16 in the parish of Kentisbury or any of those properties or any part or parts thereof respectively in which the main or any such works or plant as are hereinafter mentioned are laid the Board shall not acquire any part of the main or any of such works or plant but the council shall be at liberty to retain the main and such works or plant in their existing positions and shall at all times be entitled to full and uninterrupted rights of access thereto for the purpose of inspecting maintaining repairing and making good the same or of laying constructing or substituting a new main for the main or of removing (*a*) the main or (*b*) the valve hatch box and washout thereon in the said property numbered 2 in the parish of Challacombe:

(10) Any dispute or difference between the council and the Board under subsection (4) subsection (6) or subsection (7) of this section shall be determined by arbitration.

For protection of certain railway companies.

90. For the protection of the Southern Railway Company the North Devon and Cornwall Junction Light Railway Company and the Great Western Railway Company (each of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing apply and have effect (that is to say):—

(1) In laying down or constructing or (except in case of emergency) in effecting the maintenance repair renewal or removal of any line or lines of pipes or any other works in the exercise of any of the powers conferred by this Act (all of which operations and any of them and any part thereof are in this section referred to as "the works") upon across under over or in any way affecting the railways works or property of the company or any road belonging to or maintainable by them the works shall be executed in all things at the cost of the Board and under the superintendence (if given) and to the reasonable

PART V. —*cont.*

satisfaction of the chief engineer of the company (in this section referred to as " the engineer ") and at such times and in such manner as he shall reasonably approve and shall be in accordance with plans sections and specifications (in this section referred to as " the plans ") previously submitted to and approved in writing by the engineer or in case of difference settled by arbitration Provided that if the engineer shall not within twenty-eight days after the plans shall have been submitted for his approval notify to the Board in writing his disapproval he shall be deemed to have approved thereof:

(2) If the company give notice in writing to the Board within twenty-one days after the submission of the plans that they desire so to do they may themselves execute the works or any part thereof (other than the actual laying down and repair of pipes) under the superintendence (if given) and to the reasonable satisfaction of the engineer of the Board and the reasonable cost thereof (including compensation payable to any workmen who may be injured or killed whilst employed by the company in and about the works or to the legal representatives or dependants of such workmen) shall be repaid by the Board to the company:

(3) Before commencing the works the Board shall (except in case of emergency) give twenty-eight days previous notice in writing to the engineer of their intention to commence the same and in case of emergency the Board shall give the company the longest notice which they can reasonably give having regard to the urgency of the repairs to be carried out Such notice shall be accompanied by a sufficient description of the works to be executed and the Board shall comply with any reasonable directions which may be given by the engineer as to the times at which such works shall be carried out:

(4) In the execution and maintenance of the works the Board shall cause as little injury as may be to the railways works and property of the company and shall not cause any interruption to the passage or conduct of traffic over such railways or unreasonably obstruct or interfere with the access to any station thereon and if any such injury interruption obstruction or interference shall be caused by the execution of the works or any leakage or failure of the works (not being due to any act or default of the company or their agents or employees) the Board shall make compensation to the company in respect thereof:

PART V. —*cont.*

(5) The Board shall restore and make good to the reasonable satisfaction of the engineer the railways works and property of the company and the roads belonging to or maintainable by them so far as the same may be disturbed or interfered with by the execution of the works:

(6) The Board shall at all times maintain the works where the same are situate over or under or adjoin any railway or work of the company in substantial repair and good order and condition to the reasonable satisfaction of the engineer and if and whenever the Board fail so to do after reasonable notice in that behalf the company may make and do such works and things as may be reasonably requisite in that behalf and the expenditure reasonably incurred by the company in so doing (including compensation payable as aforesaid) shall be repaid to them by the Board:

(7) The Board shall bear and pay to the company any expense reasonably incurred by them (including compensation payable as aforesaid) in the employment by the company of such inspectors signalmen or watchmen if any as may be reasonably necessary for inspecting the works and for watching the railways and works of the company and the conduct of the traffic thereon with reference to and during the execution of the works:

(8) If by reason of the execution of the Board's work it shall become reasonably necessary to strengthen any bridge or other work of the company they may give notice thereof to the Board and any such strengthening shall be carried out by the company and the expenditure reasonably incurred by them in so doing shall be repaid to them by the Board:

(9) If the company at any time hereafter in pursuance of any powers existing at the date of this Act require to construct any additional or other works upon their lands or railways or to extend alter or repair their railways or other works upon across over or under which any of the works may have been constructed or laid the company may after giving to the Board twenty-one days' notice in writing under the hand of their secretary or general manager or in case of emergency after giving such notice as is reasonably practicable (which notices are hereinafter called "the said notice") divert support or carry the works across over or under their railways at any

PART V. —*cont.*

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 and so as not to interrupt or interfere with the supply of water without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works:

Provided that any works executed by the company under this subsection shall be executed in accordance with plans and sections previously submitted to and reasonably approved by the Board or in case of difference settled by arbitration and to the reasonable satisfaction of the Board;

The expense of the execution of such works by the company under this subsection shall be borne by the company except in the following cases in which cases the Board shall repay to the company the costs or sum therein specified (that is to say):—

(*a*) Where the works had been constructed or laid upon across over or under the railways or works of the company within the period of two years immediately preceding the giving of the said notice by the company and at the time of the construction or laying thereof the company had given a warning in writing to the Board of their intention to construct any additional or other works or to extend alter or repair their railways or other works as aforesaid in such a way as to affect injuriously the works of the Board there shall be repaid the reasonable cost of diverting supporting carrying or otherwise dealing with the works of the Board;

(*b*) Where the said expense or any part thereof is occasioned by the substitution at the request of the Board of improved works of greater dimensions for previously existing works of the Board or the construction or laying of works at a greater depth than the previously existing depth there shall be repaid the reasonable additional cost to the company of constructing additional or other works or of extending altering or repairing their railways or works attributable to the fact that the substituted works are an improvement upon or of greater dimensions than or constructed or laid at a greater depth than the previously existing works of the Board;

(*c*) Where the works of the Board had been constructed or laid upon across over or under the railways or works of the company more than seven

PART V. —*cont.*

and a half years before the giving of the said notice by the company then if and so far as (i) the said expense is occasioned by the substitution (whether through necessity or not) of new works for old and (ii) the Board may reasonably be expected to profit through savings on the cost of future replacements owing to the prospective life of the new works being longer than that of the old there shall be repaid a sum representing the amount of the said expense so far as it does not exceed the amount of such profit; and

(*d*) Where the works executed by the company consist in the restoration of previously existing works to their original level after subsidence has occurred there shall be repaid the reasonable cost of diverting supporting carrying or otherwise dealing with the works of the Board:

(10) The Board shall indemnify the company from and against all claims for damages or compensation in respect of any damage injury or loss which may be suffered by the employees of the company or by any passenger trader or any other person by reason of the existence construction or failure of the works or of any such operations as aforesaid except so far as any such damage injury or loss shall have been occasioned by or through the acts or defaults of the company or those for whom they are responsible:

(11) (*a*) The exercise by the Board of the powers of this Act in relation to so much of the land numbered on the deposited plan 4 in the parish of Kentisbury in the rural district of Barnstaple as is within a distance of thirty feet from the south-eastern side of the bridge carrying the road from Loxhore to Blackmoor Gate over the site of the former Lynton and Barnstaple railway shall be subject to all rights reserved to the company under a conveyance dated the third day of December one thousand nine hundred and forty-two and made between the company of the one part and the Challacombe Estates Company Limited of the other part;

(*b*) In constructing Work No. 17 by this Act authorised the Board shall acquire from the company so much of the lands numbered on the deposited plans 29 30 and 34A in the parish of Bratton Fleming as then belong to the company and shall be subject to the obligations (if any) attaching to such land;

PART V. —*cont.*

(*c*) If in the construction of the said Work No. 17 the Board shall carry any part thereof over any road by means of any bridge belonging to the company and forming part of the said former Lynton and Barnstaple railway the Board shall acquire the structure of such bridge from the company on such terms as may be agreed or settled by arbitration and shall in exoneration of the company be responsible for the maintenance thereof;

(*d*) If in the construction of the said Work No. 17 the Board shall construct any part thereof under any bridge belonging to the company and carrying a road over the site of the said former Lynton and Barnstaple railway the Board shall in the event of the company at any time thereafter desiring to remove such bridge and restore such road to its original level or convert the bridge to a solid structure either pay to the company any additional expense that they may incur in connection with such removal or restoration or conversion by reason of the existence of the said work or assume responsibility for the maintenance of the bridge in exoneration of the company:

(12) Except as in the last preceding subsection mentioned the Board shall not under the powers of this Act acquire any land or property of the company but the Board may purchase and take and the company shall at the request of the Board sell and grant such easements or rights of using so much of the land and property of the company in perpetuity as may be reasonably necessary for the construction renewal maintenance and use of any of the works by this Act authorised:

(13) Nothing in this section contained shall prejudice alter or affect the rights of the company or the Board under any agreement to which the Board may become subject under the provisions of the section of this Act of which the marginal note is "Savings" relating to the mains pipes or other works of the Board and where the provisions of such agreement are inconsistent with the provisions of this section the provisions of the said agreement shall apply:

(14) Any difference which may arise between the Board and the company or the engineer under 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:

PART V. —*cont.*

(15) In its application to the Board section 18 (Differences with road authority or railway or other company) of the Barnstaple Water Order 1910 shall cease to have effect in relation to the railways works and property of the company.

For protection of West Devon Electric Supply Company Limited.

91. Notwithstanding anything in this Act or shown on the deposited plans the following provisions for the protection of the West Devon Electric Supply Company Limited (in this section referred to as "the electricity company") shall unless otherwise agreed in writing between the Board and the electricity company apply and have effect:—

The Board shall not except with the consent of the electricity company acquire any electric line or work of the electricity company situate on over or under the properties respectively numbered on the deposited plans 2 9 15 and 16 in the parish of Belstone.

PART VI.

SUPPLY OF WATER.

Commencement of this Part of Act.

92. This Part of this Act and the other provisions of this Act relating to the supply of water shall come into operation with regard to the limits for the supply of water by the company on the day of transfer and with regard to the remainder of the limits of supply on the appointed day.

Limits of supply.

93. The limits of supply of the Board shall be—

(i) The borough;
(ii) The Barnstaple district;
(iii) The Bideford district;
(iv) The Broadwoodwidger district;
(v) The Crediton district;
(vi) The Holsworthy district;
(vii) The Okehampton district;
(viii) The South Molton district;
(ix) The Saint Thomas district;
(x) The Tavistock district;
(xi) The Torrington district.

Board to have powers of local authority for supply of water.

94.—(1) Subject to the provisions of this Act the Board shall have and enjoy and may exercise all the powers rights and authorities of a local authority under the Public Health Acts with respect to the supply of water and the acquisition of land (but subject to the restrictions and obligations imposed by such Acts respectively in regard to such powers rights and authorities) and for that purpose the limits of supply shall be deemed to be the district of the Board:

PART VI. —*cont.*

Provided that nothing in the said Acts contained shall authorise the Board to charge for the supply of water any rates other than the rates which they are by this Act authorised to charge.

(2) Section 121 of the Public Health Act 1936 shall apply in relation to the undertaking as if the Board were a local authority within the meaning of that section.

Temporary delegation by Board of certain powers.

95. Until the Board are in a position to supply water by means of the works authorised by this Act the Board may delegate to the constituent authorities whose water undertakings are transferred to the Board by this Act or to any one or more of them with or without restrictions or conditions as the Board think fit any powers exerciseable by the Board with respect to the management and carrying on of the undertaking of the constituent authority transferred to the Board.

As to supplies from trunk mains.

96.—(1) Notwithstanding anything in any enactment relating to the Board no person shall be entitled to demand a supply of water from a trunk main belonging to the Board.

(2) In this section the expression " trunk main " means a main constructed for the purpose of conveying water from a source of supply to a filter reservoir or pumping station or from one filter or reservoir or pumping station to another filter or reservoir or pumping station or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits or for the purpose of giving a supply of water in bulk to other undertakers.

Amendment of section 35 of Waterworks Clauses Act 1847.

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

Limit of pressure.

98. The water supplied by the Board need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the service reservoir from which the supply is taken.

Rates for domestic supply.

99.—(1) Subject as hereinafter provided the Board shall at the request of the owner or occupier of any dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a supply of water for such domestic purposes at a rate per annum not exceeding twelve and a half per centum on the net annual value of such dwelling-house:

Provided that—

(*a*) The Board shall not be required to supply any such premises with water for a less sum than seventeen

shillings and fourpence per annum except premises in the borough for a period of fifteen years from the day of transfer;

(*b*) From the appointed day and until the Board commence to supply water which is derived from the works authorised by Part V (Waterworks) of this Act but subject as in this section hereinafter provided the rate which the Board may charge in respect of a supply of water for domestic purposes from any of the works transferred to them under this Act shall not except with the consent of the Minister exceed the equivalent on the net annual value of such rates as (in the case of the undertaking of the company) were authorised to be taken by the company immediately before the day of transfer and as (in the case of the constituent authority undertakings) may be agreed between the Board and the local authority of the district in which the supply is to be afforded or failing such agreement as may be determined by the Minister;

(*c*) From and after the date on which the Board commence to supply water and subject as hereinafter in this subsection provided the rate which the Board shall charge in respect of a supply of water for domestic purposes shall not be less than the said rate per annum of twelve and one-half per centum on the net annual value of the dwelling-house supplied so long as the estimated annual deficiency in the net revenue of the Board calculated and apportioned in accordance with the provisions of the section of this Act of which the marginal note is "Apportionment of deficiency in revenue of Board" is such as to entitle the Board (under paragraph (*b*) of subsection (1) of the said section) to a contribution from the county council;

(*d*) For the period between the day of transfer and the appointed day the Board may charge in respect of a supply of water for domestic purposes in so much of the limits of supply as was comprised within the limits of the company for the supply of water rates not exceeding the rates which were authorised to be taken by the company therein;

(*e*) After the expiration of the period referred to in the last preceding proviso and for the remainder of a period of fifteen years from the day of transfer the rates which the Board may charge in respect of a supply of water for domestic purposes within the borough shall not exceed seven and a half per

PART VI. —*cont.*

centum per annum on the net annual value of any such premises.

(2) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the period for which the rate accrues or by any alterations in or additions to such list made during such period:

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

(3) (*a*) In addition to the foregoing charges the Board may charge in respect of—

(i) every fixed bath having a capacity in excess of fifty gallons such sum as the Board think fit; and

(ii) every fixed bath beyond the first (for which no additional charge shall be made unless the same have a capacity in excess of fifty gallons) a sum not exceeding ten shillings per annum.

(*b*) For the purposes of this subsection the capacity of a bath shall be measured to the centre line of the overflow pipe.

Agreements as to supply of water in certain cases.

100. The Board may agree with the owner or occupier of any premises within the limits of supply who is not entitled to demand a supply of water from the Board to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates are recoverable by them.

As to net annual value of two or more houses in one occupation.

101.—(1) Where two or more houses or buildings or parts of one or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway are in the occupation of one and the same company body firm or person they shall if the Board so decide be deemed for the purposes of determining the amount of the water rate chargeable by the Board in respect of any supply of water for domestic purposes furnished by the Board to such houses or buildings or parts thereof (being in such single occupation as aforesaid) to be one tenement having a net annual value (within the meaning of the section of this Act of which the marginal note is "Rates for domestic supply") equal to the aggregate net annual values of the separate houses or buildings or parts of houses or buildings so occupied.

PART VI. —*cont.*

(2) A person aggrieved by a decision of the Board under this section may appeal to a court of summary jurisdiction and the procedure shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the decision of the Board was served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal The document notifying to the person concerned the decision of the Board in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

(3) The Board or any person aggrieved by any decision of a court of summary jurisdiction under this section may appeal to a court of quarter sessions.

Effect on water rate of alterations in valuation list. 15 & 16 Geo. 5. c. 90.

102.—(1) Where in consequence of a proposal under section 37 of the Rating and Valuation Act 1925 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 the water rate have effect restrospectively as from the date when the proposal was made and notwithstanding anything contained in the section of this Act whereof the marginal note is " As to payment and collection of water rates " with respect to equality of instalments of a water rate any necessary adjustments shall be made in the then current instalment of the rate and any subsequent instalments of rates.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate 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 rates are recoverable.

Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes.

103.—(1) Where water which the Board supply for domestic purposes and in respect of which they charge a water rate—

(*a*) is used for watering a garden; or

(*b*) is used for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept;

the Board may in either case if a hosepipe or other similar apparatus is used charge in respect of that use of the water an additional annual sum of not exceeding twenty-five shillings.

(2) Where in either of such cases the water used is drawn from a tap outside a house but no hosepipe or similar apparatus is used the Board may charge an additional annual sum of not exceeding twelve shillings and sixpence.

PART VI. —*cont.*

(3) Sums charged under the provisions of this section shall be paid in advance either quarterly or half-yearly as the Board may determine and shall be recoverable in the manner in which water rates are recoverable.

Charges for supplies for refrigerating apparatus &c.

104.—(1) Where a person who takes a supply of water for domestic purposes from the Board otherwise than by meter desires to use any of the water so supplied—

(*a*) for operating a water-cooled refrigerating apparatus; or

(*b*) for operating any apparatus depending while in use upon a supply of continuously running water not being an apparatus used solely for heating the water; or

(*c*) for cleaning regenerating or supplying motive power to any apparatus used for softening water;

the Board may subject as hereinafter provided require that all water so used shall—

(i) if a charge for a supply of water by meter is prescribed be taken by meter at a charge not exceeding the prescribed charge; or

(ii) whether such a charge is prescribed or not be paid for at a reasonable rate to be determined in default of agreement by a court of summary jurisdiction:

Provided that no charge shall be made under this section in respect of a water softening apparatus used within a house for which the supply of water is taken if one such apparatus only is used and if the water softened thereby is used solely for domestic purposes.

Rates and charges payable by owners of certain houses.

105.—(1) Where (*a*) the net annual value of a house supplied with water does not exceed thirteen pounds or (*b*) the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Board so determine pay the water rate but the rate may be recovered by the Board from the occupier and if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner.

(2) The provisions of section 73 of the Waterworks Clauses Act 1847 shall mutatis mutandis extend and apply to any payments made under this section by the owner of any house and as if that section applied in the case of any lease or agreement whether made before or after the passing of this Act.

PART VI. —*cont.*

(3) An owner of premises to which a determination of the Board under this section applies shall if he pays the amount due by him in respect of a water rate before the expiration of one half of the period in respect of which the rate is payable or before such later date as may be specified by the Board be entitled to an allowance calculated at the rate of five per cent.

Supply to houses partly used for trade &c.

106.—(1) The Board shall not be bound to supply with water otherwise than by meter—

(*a*) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade business or manufacturing purpose for which water is required;

(*b*) any hospital (whether public or private) or sanatorium;

(*c*) any club hotel hostel assembly hall place of public entertainment restaurant public-house inn or common lodging-house;

(*d*) any boarding-house lodging-house or public institution capable of accommodating at least twelve persons including the persons usually resident therein;

(*e*) any school; or

(*f*) any farmhouse.

(2) The minimum charge for a supply of water by meter to any of the premises mentioned in subsection (1) of this section shall be a sum equal to the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a house of the same net annual value.

Supplies to swimming baths and bathing pools.

107. Where a person who takes a supply of water for domestic purposes desires to use water for a swimming bath or bathing pool the Board may require that all water required for such swimming bath or bathing pool shall be taken by meter.

Special terms for supplies to caravans huts &c.

108.—(1) No person shall be entitled to demand or continue to receive from the Board a supply of water to any habitation to which this section applies unless he has—

(*a*) agreed with the Board to take a supply of water by meter and to pay to the Board such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to

PART VI. —*cont.*

meet the possible maximum demand for his habitation and will yield a reasonable return on the cost of the water consumed or used by him; and

(*b*) secured to the reasonable satisfaction of the Board by way of deposit or otherwise payment of such a sum as may be reasonable having regard to his possible maximum demand for water.

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

(2) The habitations to which this section applies are tents vans or other conveyances whether on wheels or not and sheds or similar structures not being structures to which the building byelaws of the local authority of the district apply.

Power to make agreed charges for domestic supply.

109.—(1) The Board in lieu of charging a water rate may agree with any person requiring a supply of water for domestic purposes to furnish the supply whether by meter or otherwise on such terms and conditions as may be agreed.

(2) Charges payable under this section (including charges for any meter supplied by the Board) shall be recoverable in the manner in which water rates are recoverable.

Price of water supplied by meter.

110. The price to be charged by the Board for a supply of water by meter shall not exceed two shillings and sixpence per thousand gallons Provided that the Board shall be entitled to charge for water supplied by meter otherwise than under the sections of this Act of which the marginal notes are "Supply to houses partly used for trade &c." and "Charges for supplies for refrigerating apparatus &c." such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for the premises so supplied Provided further that for a period of fifteen years from the day of transfer the price to be charged by the Board for a supply of water by meter in the borough shall not exceed two shillings per one thousand gallons and the scale of charges made for the supply of water by meter shall approximate to the scale of charges made by the company for corresponding supplies during the year one thousand nine hundred and forty-four.

Revision of water rates and charges.

111.—(1) In any year when any deficiency is apportioned upon the county council under the provisions of subsection (1) (*b*) of the section of this Act whereof the marginal note is "Apportionment of deficiency in revenue of Board" the

PART VI. —*cont.*

Minister may on the application of the councils of three or more county districts within the county outside the limits of supply alter the rates and charges which the Board are authorised to levy and make in the like manner and to the like effect as if the application had been made to him by the Board.

(2) For a period of fifteen years from the day of transfer no alteration in the rates and charges which the Board are authorised to levy and make shall apply in relation to the borough except with the consent in writing of the corporation.

Storage tanks to be provided for supplies for industrial or agricultural purposes in certain cases.

112.—(1) Where a supply of water is required or used for any industrial or agricultural purpose of such character as in the opinion of the Board is likely to cause abnormal variations in the draught on the mains during any one day the Board may make it a condition of affording or continuing such a supply that storage tanks of adequate capacity to eliminate such abnormal variations shall be provided by the consumer.

(2) Any question whether the Board are justified in refusing to give a supply under this section 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.

Power to require provision of cisterns in certain cases.

113.—(1) The Board may require that any house the supply of water to which is commenced after the passing of this Act and to which water is required to be delivered at a height greater than thirty-five feet below the draw-off level of the service reservoir from which a supply of water is being or is to be furnished by them shall be provided with a cistern having a ball and stopcock fitted on the pipe conveying water to it and may require that the cistern shall be capable of holding sufficient water to provide an adequate supply to the house for a period of twenty-four hours.

(2) If a consumer whom the Board have in accordance with the foregoing provisions required to provide a cistern fails to comply with the requirement or if a consumer fails to keep in good repair any cistern in use in his building or the ball and stopcock appurtenant to that cistern the Board may themselves provide a cistern or execute any repairs necessary to prevent waste of water and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the building but without prejudice to the rights and obligations as between themselves of the owner and the consumer.

(3) The owner of a dwelling-house the erection of which was commenced before the passing of this Act who is aggrieved by a requirement of the Board under this section may appeal to a court of summary jurisdiction within twenty-one

PART VI. —*cont.*

days from the date on which notice of the Board's requirement was served upon him and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) The document notifying to the owner the decision of the Board in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

Extension of power to inspect premises.

114. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the engineer or any officer of the Board duly authorised by him in writing may at all reasonable times between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Board in order to examine if there be any waste or misuse of such water and if any person hinder the said engineer or such authorised officer from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Maintenance of common pipe.

115. When several houses or other premises or parts of houses or other premises in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or other premises or parts of houses or other premises the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Board in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the water engineer or other officer duly authorised in that behalf by the Board.

Power of Board to require separate service pipes.

116.—(1) Subject to the provisions of this section the Board may require the provision of a separate service pipe for each house or other building supplied or to be supplied by them with water.

(2) If in the case of a house or other building already supplied with water but not having a separate service pipe the Board give notice to the owner of the house or building requiring the provision of such a pipe the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a high-

PART VI. —*cont.*

way and the Board shall within fourteen days after he has done so lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a highway and make all necessary connections.

(3) If an owner upon whom a notice has been served under the last foregoing subsection fails to comply therewith the Board may themselves execute the work which he was required to execute.

(4) The expenses reasonably incurred by the Board in executing the work which they are required by subsection (2) of this section to execute or which they are empowered by the last foregoing subsection to execute shall be repaid to them by the owner of the house or building and may be recovered by them from him summarily as a civil debt but without prejudice to the rights and obligations as between themselves of the owner and the occupier of the house or building.

(5) If the Board make default in executing the work which they are required by subsection (2) of this section to execute they shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues after the expiration of the said fourteen days.

(6) For the purposes of the foregoing provisions of this section two or more buildings in the same occupation and forming part of the same hereditament for rating purposes shall be treated as a single building.

(7) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses then so long as he punctually pays those rates and the supply pipe of those houses is sufficient to meet the requirements thereof the Board shall not require the provision of separate service pipes for those houses.

(8) Without prejudice to the provisions of the last foregoing subsection where on the coming into force of this section two or more houses were being supplied with water by a single service pipe the Board shall not require the provision of separate service pipes for those houses until either—

(*a*) the existing supply pipe becomes so defective as to require renewal or is no longer sufficient to meet the requirements of the houses; or

(*b*) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or

(*c*) the houses are by structural alterations to one or more of them converted into a larger number of houses.

PART VI. —*cont.*

Power to Board to repair communication pipes.

117. If in the opinion of the Board any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Board are not under obligation to maintain it shall be lawful for the Board to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Board for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Board in like manner as the water rates in respect of the premises are recoverable:

Provided that (except in case of emergency) the Board shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises (and if the water rates in respect of the house or premises are payable by the owner thereof to such owner) not less than twenty-four hours' previous notice of their intention so to enter.

Board to connect communication pipes with mains.

118. Notwithstanding anything in any Act to the contrary the Board shall have the exclusive right of executing any works on any of the water mains of the Board for connecting any communication pipe therewith and the Board shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Board execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and the reasonable expenses incurred by the Board in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Provisions as to position &c. of stopcocks.

119.—(1) On every service pipe laid after the day of transfer in the limits for the supply of water by the company or the appointed day in the limits for the supply of water by any of the constituent authorities the Board shall and on every service pipe laid before that date the Board may fit a stopcock enclosed in a covered box or pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the coming into force of this section shall be placed in such position as the Board deem most convenient:

PART VI. —*cont.*

Provided that—

(*a*) a stopcock in a street shall after consultation with the highway authority concerned be placed as near to the boundary thereof as is reasonably practicable; and

(*b*) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises.

(3) Where any person has covered over or otherwise obstructed the access to any stopcock or has caused or permitted any stopcock to be covered over or the access thereto to be obstructed the expense incurred by the Board of uncovering the stopcock or removing the obstruction shall be paid to the Board by that person and may be recoverable by them as water rates are recoverable.

(4) In this section the expression "service pipe" means so much of any pipe for supplying water from a main of the Board to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap.

Power to break open streets forming boundary of limits of supply.

120. Where any premises which are within the limits of supply abut on or are situate near to any street which is as to the whole or a part of its width outside those limits the Board may for the purpose of supplying water to the owner or occupier of those premises exercise with respect to the whole width of the street the like powers of laying inspecting repairing altering renewing and removing service pipes with any necessary stopcocks and fittings and of breaking open the street for that purpose as are exerciseable by them with respect to streets within the limits of supply subject however to the like conditions and obligations.

Power to sell meters.

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

Power for Board to test water fittings.

122. The Board may test any water fittings used in connection with water supplied by them.

As to register of meters.

123. If a meter or other instrument for measuring water on being tested is proved to register incorrectly to any material degree—

(*a*) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the Board unless it is proved to have begun to register incorrectly on some later date; and

PART VI. —*cont.*

(*b*) the amount of any refund to be made to or of any extra payment to be made by the consumer shall be paid or allowed by the Board or paid by the consumer as the case may be and in the case of an extra payment may be recovered in the like manner as water rates rents and charges are recoverable by the Board.

Charges for special readings of meters.

124. When at the request of and for the convenience of any consumer the reading of any meter in any premises takes place at a time other than that of the usual periodical reading the Board may levy and recover such charges as they think fit to cover the expenses involved not exceeding two shillings and sixpence.

Failure of meters to register.

125. If any meter used by a consumer ceases to register the quantity of water consumed at any premises such cesser shall be deemed in the absence of evidence of any other date to have arisen immediately after the last reading of the meter:

Provided that if the Board and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined on the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

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

126. The Board may make a reasonable charge for turning off and turning on the supply of water to any house the occupier of which without giving up possession shall give notice for the discontinuance of the supply and shall afterwards require the supply to be reconnected within a period of nine months and such charge may be recovered by the Board summarily as a civil debt.

Cutting off communication pipes to prevent waste of water.

127. Where any dwelling-house or other building is demolished or appears to the Board to be uninhabitable and the Board have reason to think that waste of water is occurring or is likely to occur they may cut off the communication pipe by which water was supplied to such dwelling-house or building.

Penalties for misuse of water.

128.—(1) An owner or occupier of premises supplied with water by the Board who without their consent supplies any of that water to another person for use in other premises or wilfully permits another person to take any of that water for use in other premises shall be liable to a fine not exceeding five pounds unless that other person requires the water for the purpose of extinguishing a fire or is a person supplied with

water by the Board but temporarily unable through no default of his own to obtain water. PART VI. —*cont.*

(2) If a person not supplied with water by the Board wrongfully takes uses or diverts water from a reservoir watercourse conduit or pipe belonging to the Board or from a pipe leading to or from any such reservoir watercourse conduit or pipe or from a cistern or other receptacle containing water belonging to the Board or supplied by them for the use of a consumer he shall be liable to a fine not exceeding five pounds.

(3) Any person who takes from the Board a supply of water otherwise than by meter and uses any water so supplied to him for a purpose other than a purpose for which he is entitled to use it shall be liable to a fine not exceeding forty shillings but without prejudice to the right of the Board to recover from him the value of the water misused.

As to payment and collection of water rates.

129.—(1) Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Board shall be entitled to demand payment of water rates in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October in each year or if the Board so resolve by equal half-yearly instalments on the first day of April and the first day of October in each year.

(2) If and so long as the water rates are payable in advance by half-yearly instalments—

(*a*) no proceedings shall be commenced for the recovery of any such instalments until the expiration of two months from the first day of the half-year in respect of which it has been demanded; and

(*b*) if the person who is or who but for the provisions of the section of this Act of which the marginal note is "Rates and charges payable by owners of certain houses" would be liable to pay the water rate payable in respect of any premises is in occupation of those premises during a portion only of a half year he or as the case may be the owner of the premises shall be liable to pay so much only of the half-yearly instalments as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year and if any greater proportion of the instalment has been paid the person by whom it was paid shall be entitled to recover the excess from the Board except in so far as he has previously recovered it from an incoming occupier:

PART VI. —*cont.*

Provided that nothing in this subsection shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

(3) Any water rate or other sum payable to the Board with respect to the undertaking shall be recoverable by the Board either summarily as a civil debt or as a simple contract debt in any court of competent jurisdiction.

Injuring meters &c.

130.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fitting belonging to the Board or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Board shall (without prejudice to any other right or remedy for the protection of the Board) be liable to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fitting belonging to the Board or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Board the Board may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Board by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board when such pipe meter instrument or fitting is under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use (as the case may be) has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fitting.

Notice to Board of connecting or disconnecting meters.

131. Before any person connects or disconnects any meter by means of which any of the water of the Board is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Board of

his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Board and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice of discontinuance.

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

As to recovery summarily of sums due for fittings.

133. If the Board commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the Board in respect of the sale or hire of any fittings supplied by them for or in connection with the supply of water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

Penalty for interfering with valves &c.

134. Any person being the owner or occupier of any house or premises or part of a house or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Board who shall without the authority of the Board turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Board and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for closing valves and apparatus.

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

Power to remove meters and fittings.

136.—(1) The Board by their agents or workmen after forty-eight hours' notice in writing under the hand of the water engineer or some other officer of the Board to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or

PART VI. —*cont.*

fitting belonging to the Board is laid or fixed and through or in which the supply of water is from any cause other than the default of the Board discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

(2) If any person hinders any such agent or workman from entering or effecting such removal he shall for every such offence be liable on conviction to a penalty not exceeding five pounds.

Contracts for supplying water in bulk.

137. The Board may enter into and carry into effect agreements with any local authority body company or person for the supply of water beyond the limits of supply to any such authority body company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon:

Provided that such supply shall not be given except with the consent of any local authority body company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water within the limits of supply.

As to supply of water in bulk by Ilfracombe Urban District Council. 26 Geo. 5. & 1 Edw. 8. c. cxvii.

138. For the avoidance of doubts it is hereby declared that nothing in section 26 (As to filling of Challacombe reservoir) of the Ilfracombe Urban District Council Act 1936 precludes the urban district council of Ilfracombe from supplying water in bulk to the Board from any of the pipes to which that section relates or from any other source.

PART VII.

FINANCE.

Creation of stock as consideration for transfer.

139.—(1) On the passing of this Act there shall by virtue of this section be created so much stock to be called North Devon Water Board four per centum stock (in this section called "water stock") as may be necessary to give effect to the section of this Act of which the marginal note is "Consideration payable to the company."

(2) Such water stock shall be transferable in multiples of one pound and shall be entitled to interest at the rate of four pounds per centum per annum as from the day of transfer payable upon the thirty-first day of March and the thirtieth

day of September in each year until redemption and shall be redeemed by the Board at par at the expiration of fifty years from the day of transfer but the Board may purchase such stock or any part thereof by agreement with the holders at any time. PART VII. —*cont.*

(3) Such water stock and all interest accrued or to accrue due thereon shall be charged indifferently on the revenues of the Board.

(4) The provisions of the Local Authorities (Stock) Regulations 1934 which are set out in the first column of the Third Schedule to this Act and any regulations amending the same shall subject to the provisions of this Act apply to the creation issue transfer and redemption of and other dealings with the stock created by virtue of this section as if the same were stock duly created and issued by the Board under the provisions of the Local Authorities (Stock) Regulations 1934 with the consent of the Minister Provided that the amounts of the several contributions from the revenues of the Board payable in each year for the redemption and extinction or purchase and extinction of stock issued under this section shall be determined by paragraph (*a*) of article 7 (1) of the Local Authorities (Stock) Regulations 1934 and the rate per centum per annum for the purposes of those provisions shall be three pounds or such other rate as the Minister may from time to time approve.

(5) Trustees executors administrators and all persons legally holding shares in the capital of the company in any representative or fiduciary capacity may hold water stock for such shares in the capital of the company under the powers of this Act and are hereby indemnified for all acts bona fide done by them in pursuance of the provisions of this Act and any agreement deed or other instrument or any testamentary disposition disposing of or affecting any shares in the company shall take effect with reference to the whole or a proportionate part as the case may be of water stock.

(6) Such water stock shall rank pari passu with the mortgages granted by the company referred to in the section of this Act whereof the marginal note is " Mortgages of company to be a charge on undertaking " and the Board shall not at any time create or issue any mortgage stock annuity or other security ranking either as to principal or interest in priority to such water stock but any such mortgage stock annuity or other security may be issued so as to rank pari passu with such water stock.

140. The Board may from time to time independently of any other borrowing power borrow at interest for and in Power to borrow.

PART VII. —*cont.*

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 periods as the Board may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(*a*) The payment of any moneys payable by the Board on capital account under the section of this Act whereof the marginal note is "Board to pay debts and to be entitled to rents &c. after transfer" and for defraying the costs and expenses incident to the transfer of the undertaking of the company to the Board (other than the costs of this Act) and for the payment of any sums payable by the Board to the mortgagees of the company or to the directors or auditors or any of the officers or servants of the company by way of compensation under this Act	The sum requisite	Fifty years from the date or dates of borrowing.
(*b*) The purchase of land and easements and the construction of Works Nos. 6 and 16 authorised by this Act	£114,500	Sixty years from the date or dates of borrowing.
(*c*) The construction of the Works authorised by this Act (other than Works Nos. 6 and 16) and for the repayment to the county council of the cost of the construction of the Vellake gauge weir and the weir across the river Taw part of Work No. 1 by this Act authorised	£326,515	Forty-five years from the date or dates of borrowing.
(*d*) The construction of the water mains and other works in connection therewith provided for by the section of this Act whereof the marginal note is "As to mains to be laid by Board"	£827,000	Forty-five years from the date or dates of borrowing.
(*e*) Water mains and other waterworks purposes	£100,000	Forty years from the date or dates of borrowing.
(*f*) Working capital	£10,000	Ten years from the date or dates of borrowing.
(*g*) The payment of the costs charges and expenses of this Act	The sum requisite	Five years from the passing of this Act.

PART VII. —*cont.*

Saving for emergency powers of Treasury. 3 & 4 Geo. 6. c. 20.

141.—(1) So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than for the purpose (*g*) of the section of this Act whereof the marginal note is " Power to borrow ") without such consent.

(2) It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Application of Act of 1933 to borrowing of money by Board.

142.—(1) The provisions of Part IX of the Act of 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Act shall extend and apply to the Board and to money borrowed by the Board as if—

(*a*) the Board were a local authority within the meaning of the Act of 1933;

(*b*) the money so borrowed were borrowed under the said Part IX; and

(*c*) the revenues of the Board were the general rate fund or the revenues of the local authority;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purpose of this section:

Provided that it shall not be obligatory on the Board to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (*b*) (*c*) and (*d*) mentioned in the section of this Act of which the marginal note is " Power to borrow " until the thirty-first day of March next after the completion of the works authorised by this Act or until the expiration of five years from the date or dates of borrowing whichever shall first happen.

(2) The periods mentioned in the third column of the table contained in the said section of this Act of which the marginal note is " Power to borrow " shall as respects any money borrowed under that section respectively be the fixed period for the purposes of the said Part IX.

(3) For the purpose of Part IX of the Act of 1933 the fixed period for the repayment of the mortgages transferred to the Board under the section of this Act whereof the marginal note is " Mortgages of company to be a charge on undertaking " shall be a period of fifty years.

Payment by Board to county council.

143.—(1) The Board shall in consideration of the work done and the expenditure incurred or to be incurred by the county council before the appointed day in connection with

PART VII. —*cont.*

the construction of the Vellake gauge confirmed by this Act and the weir across the river Taw part of Work No. 1 authorised by this Act or the provision of new supplies of water within the limits of supply or the extension of existing supplies within those limits or the investigation of new sources of supply or the acquisition of land for the purposes of this Act pay to the county council on or as soon as reasonably practicable after the appointed day all sums reasonably expended by that council for such purposes together with interest at the rate of three and a half per centum per annum upon those sums from the respective dates on which they were so expended to the appointed day.

(2) If any difference shall arise between the Board and the county council as to the amount to be paid by the Board under subsection (1) of this section such difference shall be settled by arbitration.

(3) All money received by the county council under this section shall be carried by them to the credit of the county fund of the county.

As to securities of Board.

144. For the purposes of the definition of "statutory securities" in section 218 of the Act of 1933 any securities created by the Board shall be deemed to be securities created by a local authority.

Power for constituent authorities to lend money to Board.

145.—(1) Without prejudice to the operation of the section of this Act of which the marginal note is "As to securities of Board" any constituent authority may with the consent of the Minister lend to the Board any sum or sums which the Board are empowered to borrow on such terms and conditions and in such form as may be agreed between the Board and the constituent authority.

(2) The county council may with the consent of the Minister from time to time independently of any other borrowing power borrow at interest such sums as may be requisite for the purpose of providing any sum or sums which the county council may lend to the Board under the provisions of this section.

(3) The provisions of Part IX of the Act of 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 Part IX of that Act.

Consolidated loans fund.

146.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and forty-six the Board may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid—

(*a*) all moneys borrowed by the Board by issue of authorised securities together with any moneys

PART VII. —*cont.*

borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) all moneys of a capital nature received by the Board whether from the sale of capital assets or otherwise except such as are applied by the Board with due authority to another capital purpose; and

(*c*) the appropriate sums provided in each year out of other funds of the Board to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Board as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Board—

(*a*) in the redemption of authorised securities the purchase of bonds or stocks for extinction or the repayment of any moneys borrowed by the Board; and

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Board:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts shall be kept of the said sums and their application.

(4) The Board may pay into the consolidated loans fund any moneys forming part of any reserve depreciation contingent superannuation or other similar fund (hereinafter respectively referred to as " the lending fund ") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Board within the meaning of

PART VII. —*cont.*

subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(*a*) the moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established; and

(*b*) an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Board to be equal as nearly as may be to the average rate of interest payable by the Board on their current borrowings and an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

(5) Save as in this section expressly provided all the obligations of the Board to holders of authorised securities shall continue in force.

(6) The powers conferred by this section shall not be put into operation by the Board except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(7) Any scheme approved by the Minister under this section may be altered extended amended or annulled by a scheme made in like manner as the original scheme.

Use of moneys forming part of sinking and other funds.

147.—(1) Notwithstanding anything in this or any other Act or Order the Board may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve depreciation contingency or other similar fund (in this section referred to as " the lending fund ") subject to the following conditions:—

(*a*) The moneys so used shall be repaid out of the revenues of the Board to the lending fund within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Board shall repay to the lending rund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid

PART VII. —*cont.*

and in either case the repayment shall be made out of the revenues of the Board or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

(*b*) In the accounts of the revenues of the Board an amount equal to interest calculated at such rate per centum per annum as may be determined by the Board to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the purpose with reference to which the moneys are so used;

(*c*) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

(2) This section shall cease to have effect as from the coming into operation of the Local Authorities Loans Act 1945.

Power to issue bonds.

148.—(1) In addition to any other form of borrowing the Board may exercise any statutory borrowing power by the issue of bonds to be called " North Devon Water Board bonds " (and in this Act referred to as " bonds ") in accordance with the provisions of this Act.

(2) Where the Board raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

62 & 63 Vict. c. 39. 7 Edw. 7. c. 13.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

54 & 55 Vict. c. 39.

Closing of registers.

149.—(1) The Board may close the register of transfers of any class of security of the Board for a period not exceeding fourteen days next before any date on which any interest or

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dividend on the class of securities to which such register relates is payable.

(2) Any transfer of any security of the Board made during the period when the register of transfers of such security is so closed shall as between the Board and the person claiming under the transfer (but not otherwise) be considered as made subsequently to the payment of the dividend or interest on such security as the case may be.

Apportionment of deficiency in revenue of Board.

150.—(1) Before the commencement of any financial year the Board shall make or cause to be made estimates of the probable revenue and expenditure (other than capital expenditure) which shall be received or incurred by them during the year and if such estimates show that there will be a deficiency in the net revenue of the Board in the year the Board are hereby authorised and required in every case forthwith to apportion the sum required to meet such deficiency whether for satisfying past or future liabilities in manner and in the following order (that is to say):—

(*a*) First to the extent of an amount equivalent to six times the product of a penny rate upon the constituent authorities other than the county council and the corporation in proportion to the product of a penny rate in their respective districts as defined in the section of this Act whereof the marginal note is "Interpretation;"

(*b*) Secondly in respect of any remaining deficiency between all the constituent authorities in proportion to the product of a penny rate in the county in the borough and in the several districts or parts of districts of the other constituent authorities respectively comprised within the limits of supply.

(2) The Board shall before the commencement of each financial half-year issue to each of the constituent authorities a precept for a sum equal to one-half of the amount apportioned to that authority in pursuance of this section and each of the constituent authorities shall within two months after the commencement of the half-year (or by instalments of such amounts and payable within such times as may be specified in the precept issued to them) pay to the Board the sum stated in the precept.

(3) Such sums shall be paid by the constituent authorities as follows:—

(*a*) By the county council out of their county fund as general county expenses;

(*b*) By the constituent authorities other than the county council out of the general rate fund and general rate of their respective borough and districts.

(4) If any constituent authority fails to pay any amount so apportioned or as the case may be any instalment of such amount as may have been specified in any such precept within the time in which the same was payable the same shall be a debt due to the Board from such constituent authority and shall bear interest till payment at the rate of five per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

(*a*) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction;

(*b*) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum (to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount in arrears and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

(5) Any receiver appointed under the Act of 1933 upon the application of the mortgagees of the Board shall be entitled to receive the amounts so apportioned by the Board between the constituent authorities and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

(6) Any contribution or contributions made by the Minister in pursuance of the Rural Water Supplies and Sewerage Act 1944 to any constituent authority in regard to the supply of water whether on capital account or revenue account shall be paid by that authority to the Board and any contribution or

PART VII. —*cont.*

contributions made by the Minister to the Board or to any constituent authority so far as they relate to revenue account shall be credited to the revenue account of the Board before ascertaining any deficiency which is to be apportioned under this section.

Application of moneys received by Board.

151.—(1) (*a*) All moneys received by the Board in respect of the undertaking except (A) borrowed money (B) money arising from the disposal of lands acquired for the purposes of this Act (C) other capital money received by them in respect of the undertaking and (D) any contribution or contributions made to the Board by the Minister in pursuance of the Rural Water Supplies and Sewerage Act 1944 towards the expenses incurred or to be incurred by the Board on capital account shall be applied by them in manner and in the order following (that is to say):—

First in payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs expenses penalties and damages incurred or payable by the Board consequent upon any proceedings by or against them their officers clerks or servants in relation to the undertaking;

Secondly in payment of the sums referred to in the section of this Act of which the marginal note is "Repayment to constituent authorities of loan charges";

Thirdly in payment of the interest on the stock created by the section of this Act of which the marginal note is "Creation of stock as consideration for transfer" and on moneys borrowed by the Board under any statutory borrowing power or used for those purposes in pursuance of the sections of this Act of which the marginal notes are "Use of moneys forming part of sinking and other funds" and "Consolidated loans fund" respectively;

Fourthly in providing the requisite appropriations instalments or sinking fund payments in respect of the last-mentioned stock and moneys borrowed by the Board under any statutory borrowing power;

Fifthy in payment of all other expenses of executing this Act not being expenses properly chargeable to capital;

Sixthly in extending improving and constructing (if the Board think fit) any works for the purpose of the undertaking;

Seventhly in providing working capital (if the Board think fit); and

PART VII. —*cont.*

Eighthly in providing a reserve fund (if the Board think fit) by setting aside such money as they think reasonable and (unless the same be paid into the consolidated loans fund) investing in statutory securities the sums so set aside and the sums which pursuant to the section of this Act of which the marginal note is " Interest on reserve funds " are to form part of that fund until the fund so formed amounts to a sum (in this Act referred to as " the prescribed maximum ") equal to one tenth of the aggregate capital expended for the time being by the Board and by the constituent authorities upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Board from the undertaking or to meet any extraordinary claim or demand at any time arising against the Board in respect of the undertaking or for the payment of the cost of renewing improving or extending any part of the works forming part thereof and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens:

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at any time have reached or may have been reduced below the prescribed maximum:

Provided also that no sum in excess of one quarter of one per centum of the aggregate capital expended for the time being by the Board and by the constituent authorities upon the undertaking shall be so set aside in or in respect of any financial year during which any sum has been apportioned to and become payable by the county council to the Board to meet a deficiency in the net revenue of the Board.

(*b*) Any balance remaining over in any year including any balance brought forward shall be carried forward to the following year and if such balance exceeds the sum of forty thousand pounds the charges of the Board for the supply of water shall be reduced in such manner as the Board think fit to an extent equivalent to the amount of such excess.

(2) All capital moneys at any time received by the Board in respect of the undertakings shall be applied by them in the reduction of the capital moneys borrowed by them and such application shall be in addition to and not in substitution for any other mode of extinguishment except to such extent and upon such terms as may be approved by the Minister Provided that if and so long as there shall be no sum outstanding in respect of capital moneys borrowed

PART VII. —*cont.*

by the Board as aforesaid capital moneys received by the Board in respect of the undertakings shall be paid to a capital reserve fund provided by the Board until that fund amounts to the sum of fifty thousand pounds and thereafter shall be applied in such other manner as may be approved by the Minister.

Interest on reserve funds.

152. Where sums are appropriated to a reserve fund the interest received in any year from the investment of the sums so appropriated shall form part of the revenue out of which the sums were appropriated:

Provided that a sum equivalent to the amount so carried to the revenue or fund as aforesaid shall be added to such reserve fund unless and until the reserve fund has reached the prescribed maximum.

Board not to regard trusts.

153. The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any security of the Board may be subject but the receipt of the person in whose name any security of the Board stands in the register of such security shall be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such security may be subject and whether or not the Board has had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such security or any part thereof or interest thereon not entered on its register.

Receipt in case of persons not sui juris.

154. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Board.

Interest orders and dividend warrants by post.

155.—(1) The Board may give notice to any person being registered as a holder of any authorised security of the Board other than stock that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Board of such objection the Board may from time to time send by post orders for the payment of interest or dividend warrants to the address of such person appearing in the register Provided that if such person give notice to the Board that he desires such orders or warrants to be sent to another person at a given address the Board may from time to time send by post the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless notice in writing to the contrary has been given to the Board by any other of them.

PART VII. —*cont.*

(3) The posting by the Board of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Board be equivalent to the delivery of the order or warrant to the registered holder of the security of the Board.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Board shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882. 45 & 46 Vict. c. 61.

Accounts to be open to inspection.

156. The accounts of the Board shall at all reasonable times be open to inspection and transcription without payment by any member or officer of any of the constituent authorities duly authorised in writing for that purpose.

Accounts to be furnished to constituent authorities.

157. As soon as practicable after the completion of every financial year the clerk shall forward to the clerk of each constituent authority an abstract of the accounts of the Board for that year and the clerk shall also forward to the clerk of the council of any county district within the county outside the limits of supply on application being made for the same an abstract of the accounts of the Board for any year in which any deficiency in the revenue of the Board is apportioned upon the county council.

Audit of accounts.

158. The accounts of the Board and of their committees and officers shall be subject to audit by a properly qualified auditor or firm of auditors.

PART VIII.

MISCELLANEOUS.

Agreements as to collection of rates &c.

159.—(1) The Board and any of the constituent authorities may enter into and carry into effect agreements with respect to the collection by such authority of the rates and charges which the Board are authorised to levy and take for and in connection with the supply of water and any agreement under this section may with respect to the whole or any part of such rates and charges provide that the authority may levy and recover such rates and charges as though they were payable to the authority and not to the Board and may collect them with the general rate.

(2) A constituent authority authorised to levy and recover rates and charges in pursuance of subsection (1) of this section shall have the same powers as the Board for such purposes.

(3) The Board on the one hand and the constituent authorities or any of them on the other hand may also enter into and carry into effect agreements for or with respect to any of the other purposes or provisions of this Act.

PART VIII. —*cont.* Application of Emergency Powers (Defence) Acts 1939 and 1940.

160. Paragraph (*d*) of subsection (2) and subsection (4) of section 1 of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

Recovery of rates from persons removing.

161. If a justice be satisfied on complaint by any duly authorised collector of water rates due to the Board that any person is quitting or about to quit any premises to which the Board supply water and has failed to pay on demand any water rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein to seize forthwith and detain the goods and chattels of the defaulter until the complaint is determined upon the return of the summons.

Superannuation of officers and servants of Board. 1 Edw. 8 & 1 Geo. 6. c. 68. 2 & 3 Geo. 6. c. 18.

162. The Board shall be deemed to be a local authority within the meaning of the Local Government Superannuation Acts 1937 and 1939.

Power to grant allowances or gratuities in certain cases.

163.—(1) The Board may if they think fit in cases not within the Workmen's Compensation Act 1925 and not entitled to benefits under the Local Government Superannuation Acts 1937 and 1939 grant a weekly or other periodical allowance (not exceeding one-half of his salary or wages) or in lieu thereof a gratuity of any sum (not exceeding two years' salary or wages) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or been paid if he had continued in his office or service.

Payments due to deceased employees.

164.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Board or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Board on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Board within such time (not being less than one month after his death) as the

PART VIII. —*cont.*

Board may in all the circumstances think reasonable then at the expiration of that time the Board may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

Provided that—

(*a*) the Board may (notwithstanding the receipt of a notice under paragraph (*b*) of this subsection) if they think fit pay the funeral expenses of the deceased employee or so much thereof as the Board consider reasonable;

(*b*) if the Board receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under the proviso (*a*) thereof) to any person other than the personal representative of the deceased employee the Board shall require either—

(*a*) a statutory declaration (or when payment is made to the Crown or to the Duchy of Lancaster or to the Duke of Cornwall for the time being as the case may be a statement) by the person or one of the persons to whom the Board may pay and propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed one hundred pounds; or

(*b*) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

Power for Board to apply for further powers &c.

165.—(1) The Board shall have power to promote or oppose any Bill in Parliament or any Provisional Order or special or other statutory order.

PART VIII. —*cont.*

(2) The Board may pay the costs and expenses of and incidental to the promotion of or opposition to any such Bill in Parliament or the promotion of or opposition to any such Provisional Order or special order as taxed by the taxing officer of the House of Lords or of the House of Commons out of their revenues as part of their working expenses or out of moneys to be borrowed by the Board for the purpose Provided that—

(*a*) No expenses in relation to the promotion of any such Bill shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Board by a majority of the whole number of the Board after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in one or more newspapers circulating in the county such notice to be in addition to the ordinary notice required for summoning such meeting;

(*b*) No further expenses shall be incurred or paid as aforesaid after the deposit of the Bill unless the propriety of the promotion of the Bill shall be confirmed by such absolute majority at a further meeting of the Board to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament and unless in the case of the promotion of a Bill the propriety of such promotion shall have received the approval of the Minister.

As to application of Public Works Facilities Act 1930. 20 & 21 Geo. 5. c. 50.

166. Sections 2 and 3 of the Public Works Facilities Act 1930 and the First Schedule to that Act shall have effect in relation to the Board as if this Act had been in force immediately before the commencement of that Act.

Subscriptions to associations and payment of certain expenses.

167. The Board may pay out of their revenues as expenses incurred by them under this Act—

(*a*) reasonable subscriptions (whether annually or otherwise) to the funds of any association of water boards or water undertakers formed for the purpose of consultation as to their common interests and the discussion of matters relating to water supply or of the officers of any such undertakers or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to water undertakers and any reasonable expenses of the attendance of any members or officers of the Board at conferences or meetings of such association society or body and the cost of purchasing reports and contributing towards

PART VIII. —*cont.*

the expenses of the proceedings of any such conferences or meetings; and

(*b*) reasonable expenses in connection with the public opening of works of the Board or works from which the Board are entitled to a supply of water.

Application of certain sections of Public Health Act 1875 and Act of 1933 to Board.

168. Section 265 of the Public Health Act 1875 and sections 123 266 276 277 and 278 of the Act of 1933 shall extend and apply to the Board and the members officers and clerk of the Board as if the Board were a local authority within the meaning of such sections respectively.

Evidence of appointments authority &c.

169. Where in any legal proceedings taken by or on behalf of or against the Board or any officer servant solicitor or agent of the Board or any committee of the Board under any Act or Order from time to time relating to the Board it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Board or of any committee of the Board or to prove any resolution or order of the Board or any resolution order or report of any committee of the Board a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the chairman of the Board or of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentication and service of notices &c.

170. The following sections of the Public Health Act 1936 shall so far as applicable and with any necessary modifications have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.):

Provided that for the purposes of such application the Board shall be deemed to be a council within the meaning of the said section 284.

As to breach of conditions of consent of Board.

171. Where under any Act or Order from time to time relating to the Board the Board give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

PART VIII. —*cont.*

Confirmation of byelaws.

172. The provisions of sections 250 to 252 of the Act of 1933 shall with all necessary modifications apply to all byelaws made by the Board under the powers of this Act and for that purpose the Board shall be deemed to be a local authority within the meaning of the Act of 1933 and the confirming authority in relations to any such byelaws shall be the Minister.

Determination of compensation.

173. Any question of disputed compensation payable under this Act or under any enactment incorporated with this Act shall (except where otherwise provided by this Act) be referred to and determined by arbitration in accordance with the provisions of the Lands Clauses Acts and those provisions with any necessary alterations shall apply accordingly.

Application of Arbitration Acts.

174. Where under this Act any question dispute or matter is to be referred to or settled by arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the question dispute or matter shall be referred to an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

Inquiries by Minister.

175. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act as if such powers were conferred by and such consents were required to be given under the Act of 1933 and section 290 of that Act shall apply accordingly.

Recovery of demands.

176. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or tort.

Cesser of powers of constituent authorities to supply water.

177. Subject to the provisions of this Act the powers of the constituent authorities with reference to the supply by them of water within the limits of supply shall cease and determine as from the appointed day.

Recovery of penalties &c.

178. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner:

PART VIII. —*cont.*

Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Saving for Water Act 1945.

179. This Act shall be deemed to have been passed before the coming into operation of the Water Act 1945.

Saving for town and country planning.

180. For the purposes so far as applicable of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order scheme or regulation made under those Acts and for the time being in force this Act shall be deemed to have become law before the said Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944.

Saving rights of Duchy of Cornwall.

181. Nothing in this Act shall authorise the Board to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in right of the Duchy of Cornwall except with the consent in writing of at least two of such of the regular officers of the said duchy or of such other persons as are duly authorised under section 39 of the Duchy of Cornwall Management Act 1863 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by His Majesty in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

26 & 27 Vict. c. 49.

Crown rights.

182. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

183. 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 by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the county council but shall be repaid to them by the Board out of the moneys to be borrowed by them under the powers of this Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

The Barnstaple Waterworks Act 1888—

Section 53 (Works on foreshore not to be constructed without consent of Board of Trade) ;

Section 54 (Survey of works by Board of Trade) ;

Section 55 (Abatement of work abandoned or decayed) ;

Section 56 (Saving rights of the Crown in the foreshore) ;

Section 57 (Saving rights of Crown under Crown lands) :

The Barnstaple Water Order 1910—

Section 18 (Differences with road authority or railway or other company).

THE SECOND SCHEDULE.

Villages and places for the supply of which the Board shall lay mains and construct ancillary works under the section of this Act whereof the marginal note is "As to mains to be laid by Board."

Within the rural district of Barnstaple—

Georgeham	Milltown	Landkey
Croyde	Combe Martin	Swimbridge
Croyde Bay	Berrynarbor	Goodleigh
Ashford	St. Johns Chapel	Bratton Fleming
Westleigh	Newton Tracey	Brayford
Horwood	Atherington	Shirwell
Marwood		Heanton Punchardon

Within the rural district of South Molton—

Filleigh	Knowstone	Bishop's Nympton
West Buckland	Bottreaux Mill	Combsland Cross
East Buckland	Chittlehampton	Ash Mill
Charles	George Nympton	Rose Ash
Brayfordhill	Alswear	Meshaw
North Molton	Mariansleigh	Witheridge
Twitchen	Chittlehamholt	East Worlington
Molland	Rackenford	Chulmleigh
West Anstey	Burrington	Romansleigh
East Anstey	King's Nympton	

2ND SCH. —*cont.*

Within the rural district of Torrington—

Woodtown	Beaford	Stibbcross
Alverdiscott	Dolton	Caute
Portford Cross	Cottwood	Shebbear
Yarnscombe	Riddlecombe	New Inn
Weare Giffard	Ashreigney	Buckland Filleigh
High Bickington	Hollocombe	Merton
St. Giles in the Wood	Winkleigh	Petrockstow
Kingscott	Frithelstock	Sheepwash
	Peters Marland	Langtree

Within the rural district of Bideford—

Monkleigh	Parkham	Clovelly
Buckland Brewer	Woolsfardisworthy	Hartland
		Bulkworthy

Within the rural district of Holsworthy—

Black Torrington	Sutcombe	Bridgerule
Cookbury	Bradworthy	Chilsworthy
Thornbury	Hollacombe	Halwill
Milton Damerel	Pyworthy	Ashwater

Within the rural district of Okehampton—

Highampton	Jacobstowe	Throwleigh
Hatherleigh	Inwardleigh	Wonson
Meeth	Exbourne	Sandy Park
Monk Okehampton	Sampford Courtenay	Beaworthy
Iddesleigh	North Tawton	Northlew
Broadwood Kelly	Langdown	Ashbury
Corstone	Spreyton	Germansweek
Bondleigh	South Tawton	Bratton Clovelly
Gidleigh	South Zeal	Sourton
		Murchington

Within the rural district of Crediton—

Chawleigh	Newton St. Cyres	Bow
Blackdog	Nymet Rowland	Copplestone
Puddington	Lapford	Sandford
Poughill	Morchard Bishop	Coleford
Stockleigh English	Down St. Mary	Colebrooke
Cheriton Fitzpaine	Cheriton Cross	Coldridge
Stockleigh Pomeroy	Hooperton	Hookway
Shobrooke	Hittisleigh	Clannaborough
Zeal Monachorum	Wembworthy	Newbuildings
Yeoford	Eggesford Station	West Sandford
Uton	Thelbridge	East Village
Cheriton Bishop	Morchard Road	Crockernwell

Within the rural district of St. Thomas—

Tedburn St. Mary	Whitestone	Nadderwater
Dunsford	Heath Cross	Five Mile Cross
Holcombe-Burnell	Trillow	Longdown (part)
		Stepsbridge

2ND SCH. —*cont.*

Within the rural district of Broadwoodwidger—

Broadwoodwidger	St. Giles on the Heath	North Petherwin
Virginstow	Yeolmbridge	Maxworthy

Within the rural district of Tavistock—

Lydford	Eastcott	Millhill
Lifton Down	Chillaton	Lumburn
Lifton	Longcross	Morwellham
Portgate	Milton Abbott	Hartshole
Stowford	Kelly	North Brentor
Lobhill Cross	Meadwell	Blackdown
Lew Trenchard	Lamerton	Horndon
Coryton	Lamerton Green	Mary Tavy
Mary Stow	Sydenham Damerel	Peter Tavy
	Townlake	

THE THIRD SCHEDULE.

PROVISIONS OF LOCAL AUTHORITY (STOCK) REGULATIONS 1934 APPLIED.

Article of Local Authorities (Stock) Regulations 1934.	Modification.
5 to 7 (inclusive)	—
9 to 13 (inclusive)	—
16 to 19 (inclusive)	—
21 to 23 (inclusive)	—
24	The omission of the words "Unless the local authority have compounded for stamp duty" and the words "notwithstanding anything in any resolution of the local authority or in these regulations."
25 to 31 (inclusive)	—
37 to 40 (inclusive)	—
42	—
43	The omission of paragraphs (*a*) and (*b*) and of the words "stock certificate to bearer" in paragraph (*c*).
44	—
45	The omission of paragraph (1).
The schedule	Only so much as relates to article 44 of the regulations.

THE FOURTH SCHEDULE.

PROVISIONS AS TO BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the Board may from time to time determine.

2. (*a*) Bonds may be issued at such price and at such rates of interest as the Board may from time to time determine Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(*b*) Bonds shall not be issued of greater aggregate nominal amount than will together produce according to the price of issue the actual amount of money for the time being authorised to be borrowed by the Board.

(*c*) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Board on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless previously cancelled by purchase in the open market or by agreement with the bondholder) at the offices of the Board at on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date on which the bond is repayable.

4.—(1) The Board shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(*a*) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(*b*) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Board shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Board on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Board on proof thereof to their satisfaction and if they so require on receiving an indemnity

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against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

. . . . PER CENT. NORTH DEVON WATER BOARD BOND.

This is to certify that
of
is the registered holder of a bond for
pounds issued by the North Devon Water Board and repayable at par on the day of one thousand nine hundred and at

Signed

Date

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Board shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

. . . . PER CENT. NORTH DEVON WATER BOARD BOND.

I

in consideration of the sum of
paid by
(hereinafter called "the transferee") do hereby assign and transfer to the transferee—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof ;

And I the transferee do hereby agree to accept and take the said bond subject to the conditions aforesaid.

As witness our hands and seals this day of one thousand nine hundred and .

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Board.

(3) The deed of transfer shall be delivered to and retained by the Board and the Board shall enter a note thereof in a book to be called "the register of transfers of North Devon Water Board bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Board shall on receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall

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issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Board as aforesaid the Board shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Board may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Board shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been produced the Board shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Board or any other officer thereof would or might have had and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes for which he was appointed and shall pay any balance remaining in his hands into the revenues of the Board.

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