CHAPTER cix.

An Act to authorise the Urban District Council of Northam to construct waterworks for the supply of their District and for other purposes. [25th July 1898.] A.D. 1898.

WHEREAS the district of Northam in the county of Devon is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the Northam Urban District Council in this Act referred to as "the District Council":

And whereas the urban district is without any proper water supply and it is expedient that the provisions contained in this Act for the construction of waterworks and the supply of such district with water should be sanctioned:

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

And whereas estimates have been prepared by the District Council for the purchase of land and for the execution of the works by this Act authorised and such estimates amount to the sum of twenty-seven thousand pounds:

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

And whereas an absolute majority of the whole number of the members of the District Council at a meeting held on the twenty-ninth day of September one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Western Express a local newspaper published or circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that it was expedient to promote the Bill for this Act:

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And whereas such resolution was published twice in the Bideford Weekly Gazette and Devon and Cornwall Advertiser a local newspaper published or circulating in the district and has received the approval of the Local Government Board:

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

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

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

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

Preliminary.

Short title.

1. This Act may be cited as the Northam Urban District Water Act 1898.

Incorporation of general Acts.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and not inconsistent with this Act) are incorporated with this Act namely:—

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845;

The Waterworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the Undertakers when the waterworks are carried on for their benefit and except section 83 of that Act with respect to accounts and

except also the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner"; and

The Waterworks Clauses Act 1863:

And the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall apply to the reservoirs and road diversion by this Act authorised and the works immediately connected therewith.

Interpretation.

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

The expression "the promoters of the undertaking" means the District Council;

"The district" means the urban district of Northam;

"The District Council" means the Northam Urban District Council; and

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district:

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

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 by this Act applied—

"The railway" means any of the reservoirs or the road diversion respectively by this Act authorised; and

"The centre of the railway" means with respect to any reservoir by this Act authorised the boundaries of such reservoir and with respect to the road diversion the centre line of such diversion.

Execution of Act.

4. Subject to the provisions of this Act this Act shall be carried into execution by the District Council.

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WATER.

Water limits.

5. The limits of this Act for the supply of water shall be the district of the Council.

Pressure.

6. The water to be supplied by the District Council need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir or covered storage tank being Work No. 5 authorised by this Act.

Power to make waterworks &c.

7. Subject to the provisions of this Act the District Council may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and in over upon or under the lands delineated on the said plans and described in the deposited book of reference the waterworks shown on those plans together with all necessary drains pipes sluice-valves air-valves wash-outs junctions apparatus and other works and conveniences in connexion with or incidental to such waterworks and may enter upon take and use such of the lands delineated on the said plans and described in the said book of reference as may be required for that purpose:

The principal waterworks herein-before referred to are the following:—

Work No. 1.—A storage reservoir (herein called "the Melbury Reservoir") to be situate in the parish of Parkham in the county of Devon formed by means of the construction of an embankment thirteen chains long across the valley at a point on the stream about sixty-nine chains measured in a south-south-westerly direction from the south-west corner of St. James's Church in the parish of Parkham aforesaid and which embankment is intended to cross the valley in a south-south-easterly and north-north-westerly direction and the reservoir will extend from the said embankment in a south-westerly direction to a point about sixteen chains measured in a straight line south-west of the said embankment:

Work No. 2.—A filter bed or filter beds and a pure water tank or tanks wholly in the parish of Parkham aforesaid to be constructed in a field No. 439 on the twenty-five inch Ordnance map (published in 1886) of the said parish of Parkham:

Work No. 3.—The diversion of a road in the parish of Parkham aforesaid leading from Bideford to Bradworthy commencing at a point in the said road at the south-west corner of field No. 318 on the twenty-five inch Ordnance map of the said parish and passing through the properties numbered 318 317 314 and 315 on the said twenty-five inch Ordnance map of the

said parish and terminating at a point in the said road at the south-east corner of the said field numbered 315 on the said twenty-five inch Ordnance map of the said parish of Parkham:

Work No. 4.—A conduit or line of pipes commencing in Work No. 1 with branches therefrom to Work No. 2 and terminating in the parish of Northam in the county of Devon in the intended service reservoir next herein-after described (Work No. 5):

Work No. 5.—A reservoir or covered storage tank with inlet and outlet works and cleansing pond wholly in the parish of Northam aforesaid to be constructed in the north-west corner of the field No. 485 on the twenty-five inch Ordnance map (published in 1888 and reprinted in 1894) of the parish of Northam aforesaid.

Power to make subsidiary waterworks.

8. Subject to the provisions of this Act the District Council in addition to the waterworks by the section of this Act whereof the marginal note is "Power to make waterworks &c." authorised may from time to time upon any lands acquired or to be acquired by them for waterworks purposes make and maintain all proper and necessary embankments bridges roads ways wells tanks basins gauges filters filter-beds dams sluices hatchboxes chambers byewashes waste weirs outfalls discharge pipes shafts adits tunnels catchwaters aqueducts culverts cuts channels conduits mains pipes stand-pipes junctions valves drains telegraphs telephones engines apparatus roadways approaches buildings houses works and conveniences connected with the waterworks herein-before referred to or any of them or incidental thereto or necessary or convenient for conducting inspecting cleansing repairing or managing the same:

Provided that any telegraphs or telephones constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to take waters.

9. Subject to the provisions of this Act the District Council may take intercept collect impound use divert and appropriate for the purposes of their water undertaking all waters from or to be met with upon or under the lands within the limits of deviation shown on the deposited plans and acquired by the District Council under the powers of this Act or which can or may be intercepted or abstracted by means of the waterworks by this Act authorised or any of them and particularly the stream rising on Melbury Moor known as the Melbury Stream which stream flows directly or indirectly into the River Yeo thence into the River Torridge and thence into Barnstaple or Bideford Bay.

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Compensation water.

10.—(1) The District Council shall before and as a condition precedent to their taking appropriating and using for the supply of their district any of the waters of the stream rising on Melbury Moor known as the Melbury Stream and under the provisions of this Act to be led into the Melbury Reservoir during every day of twenty-four hours deliver into the said stream at a point situate not more than one hundred yards from the foot of the outer slope of the embankment of the said Melbury Reservoir not less than sixty-seven thousand five hundred gallons of water and such delivery shall be as nearly as possible continuous throughout each day.

(2) The District Council shall provide and at all times maintain a suitable gauge for measuring the quantity of water to be delivered in pursuance of this section.

(3) The gauge shall at all reasonable times be open to the inspection and examination of any riparian owner on the said streams or his servant or agent duly authorised in writing.

(4) If at any time the said gauge shall be in an unfit state of repair or condition for the purposes for which it is intended the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the District Council or if they fail so to do within twenty-one days after notice given to them by any of the persons interested in the flow of the said stream requiring them so to do then any such person may cause the said gauge to be placed in fit repair and condition and may recover the expense of so doing with full costs of suit against the District Council in any court of competent jurisdiction without prejudice to the daily penalties.

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

(6) If the District Council makes default in permitting to flow into the said streams the quantity of water in this section provided they shall be liable to a penalty not exceeding five pounds for every day or part of a day during which such default shall continue such penalty to be recovered summarily by the persons interested in the waters of the Melbury Stream with full costs of suit.

Lateral and vertical deviation.

11. The District Council in constructing the works by this Act authorised may make deviations from the lines of such works but not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such limits

and they may also deviate from the levels delineated on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of other works five feet upwards and five feet downwards Provided that the District Council shall not in the exercise of the powers of lateral deviation hereby given make any embankment or retaining wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition Provided that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground except so far as is shown on the deposited sections.

On completion of diverted portion of road site of existing road so far superseded to vest in district council.

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

Maintenance of diverted road.

13. Immediately upon the completion of the said road diversion the District Council shall make application to two justices of the county of Devon to certify as to the completion of the same The said diverted portion of road when its completion is so certified (of which completion the certificate of the said justices respectively shall be conclusive evidence) shall become and the same shall thenceforth be part of the said road and shall be upheld and maintained by the District Council for a period of twelve months after the date of the said certificate of completion and subsequently by the authority or person by whom or at whose expense the former public highway was repairable.

Period for compulsory purchase of lands.

14. The powers of the District Council for the compulsory purchase of lands for any of the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to acquire additional lands.

15. The District Council may for the purposes of their water undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may take under the powers of this Act any lands not exceeding in the whole two hundred acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the District Council shall not

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create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to take easement &c. by agreement.

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

Power to hold lands for protection of waterworks.

17. The District Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachments or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the District Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Power to sell &c. lands.

18. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the District Council may from time to time sell and dispose of any lands acquired by them under this Act and not for the time being required for the purposes of their water undertaking.

Reservation of water rights &c. on sale.

19. The District Council on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Application of moneys from sale &c. of lands.

20. The District Council shall apply all moneys from time to time received by them in respect of any sales exchanges or

disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the District Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Restriction on taking houses of labouring class.

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

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

Period for completion of works.

22. If the works shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the District Council for executing such work or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the District Council from renewing extending enlarging altering reconstructing or removing any of their tanks gauges drains sluices catchpits conduits culverts valves washouts byewashes engines pumps machinery apparatus filter beds mains pipes or other works or plant at any time and from time to time as occasion may require.

Rates for domestic supply.

23. Subject to the provisions of this Act the District Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house within the water limits entitled under the provisions of this Act to demand a supply of water for domestic

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purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding the following rates (that is to say):—

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

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

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditaments entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by two justices A supply of water for domestic purposes shall not include a supply for a swimming bath.

Rates for waterclosets and baths.

24. In addition to the foregoing charges the District Council may in case there shall be more than one watercloset or there shall be a bath or baths (of a capacity not exceeding fifty gallons) in any dwelling-house or part of a dwelling-house charge in respect of every watercloset therein beyond the first (for which no additional charge shall be made) any sum not exceeding ten shillings per annum which the District Council may fix and in respect of every bath (not being a swimming bath) therein any sum not exceeding fifteen shillings per annum which the District Council may fix such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Water rate payable by owner for small houses.

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

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Incoming tenant not to be liable for arrears of water rate except by agreement.

26. If any water consumer leave the premises to which water has been supplied without paying to the District Council the water rate or charges due from him the District Council shall not require from the next tenant of the premises payment of the arrears so left unpaid by the defaulting consumer unless the incoming tenant shall have agreed with the District Council or with the defaulting consumer to pay the arrears but the District Council shall supply water to the incoming tenant upon the terms and conditions prescribed by this Act if required by him so to do.

Supply to houses partly used for trade &c.

27. The District Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Byelaws for preventing waste &c. of water.

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

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

(2) Such byelaws shall apply only in the case of premises to which the District Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made :

(3) In case of failure of any person to observe such byelaws as are for the time being in force the District Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter cock ferrule valve soil-pan urinal watercloset bath tank cistern or other apparatus fitting means contrivance receptacle or appliance belonging to or used by such person and not being in accordance with the

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requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the District Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable:

(4) The District Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter any such pipes meters cocks ferrules valves soil-pans urinals waterclosets baths tanks cisterns or other apparatus fittings means contrivances receptacles or appliances as are required or permitted by their byelaws and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the District Council in providing such materials and executing such work shall be paid by the person requiring the same.

Detection of waste.

29. Subject to the provisions of this Act the District Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the District Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways thoroughfares tramways and gas or water pipes.

Supply of water for other than domestic purposes by measure.

30. The District Council may supply water for swimming baths and for purposes other than domestic purposes on such terms and conditions as the District Council think fit and may by agreement with any consumer supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates due to the District Council Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes within the district Provided also that the price to be charged shall not exceed two shillings per thousand gallons with a minimum payment of eight shillings per quarter.

Power to charge for meter and water fittings.

31. The District Council may charge for the hire and use of meters for ascertaining the quantity of water consumed or supplied and of water fittings such rents or sums of money as may from time to time be agreed upon between the hirer and the District Council and the rent of meters let for hire shall be recoverable in the same manner as water rates due to the District Council.

Notice to District Council of

32. Before any person connects or disconnects any meter by means of which any of the water of the District Council is intended

to be or has been registered he shall give not less than twenty-four hours' notice in writing to the District Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of some officer of or person authorised by the District Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

connecting or disconnecting meters.

33. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the District Council Provided that if the District Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Register of meter to be primâ facie evidence.

34. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the District Council or 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 District Council shall (without prejudice to any other right or remedy for the protection of the District Council or the punishment of the offender) for every such offence forfeit and pay to the District Council a sum not exceeding five pounds and the District Council may in addition thereto recover the amount of any damage by them sustained and the existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the District Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Injuring meters &c.

35. In all cases in which any premises which shall have been supplied with water by the District Council shall have become unoccupied for a space of forty-eight hours the District Council their agents and workmen after giving forty-eight hours previous

Entry on premises to cut off pipes after notice given.

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notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the District Council after inquiry by affixing the same for three days on some conspicuous part of such premises may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the District Council shall be conveyed to such premises and may remove any pipe meter fittings or apparatus the property of the District Council repairing and making good all damage that may be done by reason of such removal.

District Council not bound to supply several houses by one pipe.

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

Notice of discontinuance.

37. A notice to the District Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent in a prepaid letter to the office of the District Council.

Misuse where supply to several houses is by a pipe common to all.

38. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the District Council to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

Public drinking fountains.

39. The District Council when and as they think expedient may put up and continue and from time to time remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the district as the District Council think fit but not against any private dwelling-house warehouse counting house or shop except with the consent of the owner and occupier thereof or against any public building unless the building shall be the property of the District Council.

Power to supply water in bulk.

40. It shall be lawful for the District Council to supply water by agreement in bulk to any local authority company or person on such terms and conditions in all respects and for such periods as the District Council and such local authority company or person may from time to time agree:

Provided that nothing in this section shall authorise the District Council to supply or to continue to supply water within or for use

within the limits of supply of any local authority company or person supplying water under the authority of Parliament except with the consent of such authority company or person nor shall the District Council supply water under any such agreement if and so long as the affording of such supply would prevent the District Council giving a full and sufficient supply for domestic purposes within the limits of this Act.

Power to District Council to pay any loss sustained by Postmaster-General.

41. The District Council may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the District Council under such undertaking may be defrayed out of any revenue or funds of the District Council.

FINANCIAL.

Power to borrow.

42.—(1) The District Council may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say):—

(A) For the purchase of lands and wayleaves for and for the construction of the works by this Act authorised the sum of twenty-seven thousand pounds;

(B) For the purchase of the lands near the Melbury Reservoir and within the natural drainage area of the said reservoir the sum requisite for that purpose;

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

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

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the District Council may mortgage or charge the revenue of the water undertaking of the District Council and the district fund and general district rate of the district.

Inquiries by Local Government Board.

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

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have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

Mode of raising money.

44. The District Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of section 15 of that Act.

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

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

Provisions of Public Health Act as to mortgages to apply.

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

Section 236. Form of mortgage;
Section 237. Register of mortgages;
Section 238. Transfer of mortgages;
Section 239. Receiver may be appointed in certain cases.

Periods for payment off of money borrowed.

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

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

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

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

Mode of payment off of money borrowed.

48. The District Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided that it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund until the expiration of two years from the date of borrowing the same.

Regulations as to sinking fund.

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

The District Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security under this Act and repayable by sinking fund within the prescribed period :

The rate of accumulations on which the amounts paid to the sinking fund are based is herein-after referred to as "the prescribed rate" :

Provided as follows (that is to say) :—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities the District Council being at liberty from time to time to vary and transpose such investments Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund :

(B) The District Council may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment whereof the sinking fund was set aside in such order and manner as they

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deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum per annum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the District Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such period discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Annual return to Local Government Board with respect to sinking fund.

50. The clerk to the District Council shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or an instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner If it appears to the Local Government Board by such return or otherwise that the District Council have failed to pay any instalment or to set apart the sum required for the sinking fund under this Act or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the

sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments. A.D. 1898.

Power to re-borrow.

51. If the District Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the District Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

District Council not to regard trusts.

52. The District Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register or books of the District Council shall from time to time be a sufficient discharge to the District Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the District Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the District Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Protection of lender from inquiry.

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

Saving for existing charges.

54. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the District Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge

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shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Application of borrowed moneys.

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

Audit of accounts.

56. Section 58 of the Local Government Act 1894 shall apply to the accounts of the District Council and their committees and officers under this Act and to the audit of such accounts.

Application of water revenue.

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

Firstly In payment of the working and establishment expenses and cost of maintenance of their water undertaking :

Secondly In payment of the interest on moneys borrowed by the District Council under this Act for the purposes of their water undertaking :

Thirdly In providing the requisite instalments appropriations annual repayments or sinking funds under this Act in respect of moneys borrowed by the District Council for the purposes of their water undertaking :

Fourthly In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the District Council from their water undertaking or to meet any extraordinary claim or demand at any time arising against the District Council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens And the District Council shall carry

to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the District Council be required for carrying on their water undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to two thousand pounds. A.D. 1898

As to deficiency in receipts.

58. Any deficiency in the revenues or receipts of the District Council on account of their water undertaking shall be made good out of the district fund and the next general district rate to be made by the District Council shall be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Expenses of execution of Act.

59. All expenses incurred by the District Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Miscellaneous.

Authentication of notices.

60. When any summons demand or other document under this Act (except a conveyance contract or security) requires authentication by the District Council the signature thereof by their clerk shall be a sufficient authentication.

Several sums in one summons.

61. Any summons or warrant issued for any of the purposes of this Act may contain in the body thereof or in a schedule thereto several sums.

Liability to water rate not to disqualify justices &c. from acting.

62. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate under this Act.

Contracts for water not to disqualify.

63. No person entering into any contract with the District Council for the supply of water to him or for any meter or apparatus to be furnished to him or for any work to be done for him for the purposes of such supply shall thereby be disabled from being a member of the District Council or incur any penalty by reason of such contract but any member of the District Council concerned directly or indirectly by himself or any partner in any such contract shall not take part in any vote or proceeding relative thereto at any meeting of the District Council.

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Costs of Act.

64. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or the House of Commons shall be paid by the District Council primarily out of the general district rate but ultimately out of moneys borrowed under the authority of this Act.

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