CHAPTER xlviii.

An Act to provide for the transfer to the urban district council of Oakengates of certain waterworks of the Most Noble George Granville Duke and Earl of Sutherland and the acquisition by that Council of certain water mains in their district and adjoining areas and to authorise the Council to construct and maintain waterworks and supply water to make further provision in regard to the health and local government of the district and for other purposes. [31st July 1925.]

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WHEREAS the urban district of Oakengates in the county of Salop (in this Act referred to as "the district") is an urban district within the meaning of the Local Government Act 1894 and is under the management and local government of the urban district council of Oakengates (in this Act referred to as "the Council"):

And whereas the Council under the provisions of the Public Health Acts have provided part of their district with a supply of water for public and private purposes and for that purpose have contracted with the predecessor in title of the Most Noble George Granville Duke and Earl of Sutherland (in this Act referred to as "the Duke of Sutherland") for a supply of water to the Council from certain works belonging to the Duke of Sutherland and situate in the parish of Sheriff Hales in

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the rural district of Shifnal and the parish of Lilleshall in the rural district of Newport (in this Act referred to as "the Hilton waterworks"):

And whereas the supply of water from the Hilton waterworks of the Duke of Sutherland is inadequate to meet the present and growing demand of the inhabitants of the district and of the areas supplied with water from such waterworks and it is expedient that the Council should be empowered to acquire the said works of the Duke of Sutherland and to maintain alter enlarge and extend the pumping station and other works so transferred to them and to supply water within the limits prescribed by this Act:

And whereas the Duke of Sutherland and the Council have entered into an agreement for the sale and transfer to the Council of the Hilton waterworks and it is expedient that such agreement as set forth in the First Schedule to this Act should be confirmed and carried into effect:

And whereas by virtue of an agreement made the twenty-first day of December one thousand nine hundred and five the Duke of Sutherland is under certain obligations in regard to the supply of water in bulk from the Hilton waterworks to the Lilleshall Company Limited upon terms and conditions which by reason of the increased cost of supply the altered conditions arising out of the recent war the necessity for additional expenditure in order to maintain the supply and other circumstances could not be enforced without serious hardship to the Council and it is expedient to amend those terms and conditions in manner provided by this Act:

And whereas the Lilleshall Company Limited are the owners of certain water mains or pipes in and in the vicinity of the limits of supply and it is expedient that provision should be made for the purchase of the same by the Council:

And whereas it is expedient that further provision should be made in regard to the health local government and improvement of the district as by this Act provided:

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament: A.D. 1925.

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

	£
For new mains and extensions of mains -	3,500
For additions to wells and pumping station and other waterworks purposes	7,000

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed:

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:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Oakengates Urban District Council Act 1925.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Acquisition of waterworks &c.
Part III.—Works and lands.
Part IV.—Supply of water.
Part V.—Streets buildings sewers drains watercourses &c.
Part VI.—Infectious diseases and sanitary provisions.
Part VII.—Finance.
Part VIII.—Miscellaneous.

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Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are incorporated with and form part of this Act (that is to say) :—

(1) The provisions of the Waterworks Clauses Act 1847 which are incorporated with the Public Health Act 1875 by section 57 of that Act but subject to the proviso in the said section mentioned :

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the supply of water to be furnished by the undertakers Provided that section 35 of the Act in its application to the Council shall be read and construed as if the words " one-sixth part " and " five successive years " were substituted therein for the words " one-tenth part " and " three successive years " respectively :

(3) The Waterworks Clauses Act 1863 :

(4) The Lands Clauses Acts with respect to the purchase and taking of lands by agreement.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 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 Council " means the urban district council of Oakengates;

" The district " means the urban district of Oakengates;

" The clerk " " the treasurer " " the surveyor " " the medical officer " and " the sanitary inspector " mean respectively the clerk the treasurer the surveyor the medical officer of health and any sanitary inspector appointed by the Council in pursuance of the powers of any public Act and respectively include any person duly appointed by the Council to discharge temporarily the duties of any such officers;

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

"The water undertaking" means the water undertaking of the Council as for the time being authorised;

"The limits of supply" means the limits within which the Council are for the time being authorised to supply water;

"The Duke of Sutherland" means the Most Noble George Granville Duke and Earl of Sutherland;

"The company" means the Lilleshall Company Limited;

"The Shifnal Rural Council" means the Shifnal Rural District Council acting for the Shifnal Rural District in the county of Salop and the rural district comprising the parishes of Blymhill and Weston-under-Lizard in the county of Stafford;

"The Newport Rural Council" means the Newport (Salop) Rural District Council;

"The scheduled agreement" means the agreement set forth in the First Schedule to this Act;

"The Hilton waterworks" means the works plant machinery lands premises rights and privileges described in the First Schedule to the scheduled agreement;

"The day of transfer" means the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September or the twenty-fifth day of December next following the date of the Royal Assent to this Act;

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

"Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the district;

"Child" means a person under the age of fourteen years;

"Statutory security" means any security in which trustees are for the time being by or under any

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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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council;

"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;

"Revenues of the Council" includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council.

Saving for powers under Public Health Acts.

5. This Act shall be executed by the Council with the powers and indemnities and according to the provisions of the Public Health Acts and those Acts shall in relation to the Council and the several objects and purposes of this Act be read and construed as if in relation to water supply references to the limits of supply were substituted for references to the district and as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts so far as the same shall be applicable thereto and except so far as any of the provisions of the last-mentioned Acts are expressly varied or otherwise provided for by this Act.

PART II.

ACQUISITION OF WATERWORKS &c.

Confirmation of scheduled agreement.

6. Subject to the provisions of this Act the scheduled agreement is hereby confirmed and made binding on the parties thereto.

Transfer of Hilton waterworks to be by deed.

7. The sale of the Hilton waterworks under the scheduled agreement shall be carried into effect by a deed duly stamped and truly stating the consideration and on the execution of the deed by the Duke of Sutherland the Hilton waterworks shall by virtue of the deed and of this Act become and shall thenceforth be transferred to and vested in the Council.

Savings from effect of transfer of Hilton waterworks.

8. Notwithstanding the transfer to the Council of the Hilton waterworks the following provisions shall have effect (that is to say):—

(1) If on the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Duke of Sutherland the same shall not abate or be discontinued or in anywise prejudicially affected by reason of such transfer but the same may be continued prosecuted and enforced by against or in favour of the Duke of Sutherland as and when it might have been continued prosecuted and enforced by against or in favour of him if the transfer had not been made:

(2) Except as in this Act otherwise provided all agreements conveyances contracts deeds and other instruments affecting the Hilton waterworks and in force on the day of transfer shall be as binding and of as full force and effect against or in favour of the Council and may be enforced as fully and effectually as if instead of the Duke of Sutherland the Council had been a party thereto:

(3) All books and documents relating wholly or partly to the Hilton waterworks which if the transfer had not been made would have been

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evidence in respect of any matter for or against the Duke of Sutherland shall be admitted in evidence in respect of the same or the like matter for or against the Council.

Purchase of water mains of company.

9.—(1) On the day of transfer the company shall sell and the Council shall purchase for the sum of one thousand seven hundred and fifty pounds the water mains pipes and plant described in the Second Schedule to this Act belonging to the company together with all the fittings rights easements and privileges connected therewith.

(2) If the company at any time hereafter require to construct any additional or other works upon their lands under which any of the mains pipes and plant described in the Second Schedule to this Act have been constructed or laid so as to necessitate the alteration of the position of the said mains pipes and plant the company may by one month's notice in writing require the Council to alter the position of the said mains pipes and plant to such extent as may be reasonably necessary and so as not to interrupt or interfere with the supply of water and upon the company granting any necessary easements for that purpose the Council shall at their own expense make the necessary alteration in the position of the said mains pipes and plant.

(3) Any difference which may arise between the Council and the company under this section shall be determined by an arbitrator to be appointed by the Minister of Health on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

Supply of water to company.

10. As from the day of transfer the agreement made the twenty-first day of December one thousand nine hundred and five between the Duke of Sutherland of the one part and the company of the other part shall be and is hereby cancelled and as from the same date the Council shall afford to the company and the company shall take and purchase from the Council a supply of water in bulk upon the terms and subject to the conditions set forth in the Third Schedule to this Act.

Sale of certain mains and works to

11. Forthwith upon the completion of the purchase by the Council of the Hilton waterworks the Council shall sell to the Shifnal Rural Council and the Shifnal

Rural Council shall purchase all mains pipes valves hydrants and other works which shall be comprised in the said purchase of the Hilton waterworks and are now used exclusively for the supply of water to the parish of Sheriff Hales at a price to be fixed by agreement between the Council and the Shifnal Rural Council or failing agreement by an arbitrator to be appointed in default of agreement between the parties by the President of the Institution of Civil Engineers on the application of either party and save as aforesaid any such reference to arbitration shall be subject to the provisions of the Arbitration Act 1889 and any Act amending the same.

Shifnal Rural Council.

Sale of certain mains and works to Newport Rural Council.

12. Forthwith upon the completion of the purchase by the Council of the Hilton waterworks and the purchase by the Council of water mains pipes and other works from the company in pursuance of the provisions of this Act the Council shall sell to the Newport Rural Council and the Newport Rural Council shall purchase all mains pipes valves hydrants and other works which shall be comprised in the said purchase of the Hilton waterworks and the said purchase from the company and are now used exclusively for the supply of water to the part of the parish of Lilleshall described in the section of this Act of which the marginal note is "Supply in bulk to Newport Rural Council" at a price fixed by agreement between the Council and the Newport Rural Council or failing agreement by an arbitrator to be appointed in default of agreement between the parties by the President of the Institution of Civil Engineers on the application of either party and save as aforesaid any such reference to arbitration shall be subject to the provisions of the Arbitration Act 1889 and any Act amending the same.

Power to Shifnal and Newport Rural Councils to borrow.

13.—(1) The Shifnal Rural Council and the Newport Rural Council may in addition to any moneys now borrowed by them or which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any Act of Parliament borrow at interest such sums as may be requisite for the purpose of the payments to be made by them respectively under the sections of this Act of which the marginal notes are "Sale of certain mains and works to Shifnal Rural Council" and "Sale of certain mains and works to Newport Rural Council" and the costs and expenses

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incident thereto and the provisions of sections 233 and 236 to 239 of the Public Health Act 1875 shall be applicable to any mortgage granted under this section.

(2) Any sums borrowed under the provisions of this Act shall be repaid in the manner provided for by section 234 of the Public Health Act 1875 and within such period as may be prescribed by the Minister of Health.

(3) The provisions of the section of this Act of which the marginal note is "Return to Minister of Health with respect to repayment of debt" shall apply to the borrowing powers exercised under this section as if the respective clerks of the Shifnal Rural Council and the Newport Rural Council were substituted therein for the clerk.

PART III.

WORKS AND LANDS.

Power to maintain transferred works.

14. From and after the day of transfer the Council may subject to the provisions of this Act maintain repair and renew the waterworks reservoirs mains and plant transferred to and vested in them under or in pursuance of the provisions of this Act and may enlarge and extend from time to time the said waterworks reservoirs mains and plant and may use and employ the same for the purposes of the water undertaking and for the supply of water within the limits of supply or under the provisions of this Act and the Council shall in respect of the said waterworks reservoirs mains and plant and the maintenance and future use regulation and enlargement thereof have the powers and be subject to the provisions of this Act and the Acts incorporated wholly or in part with this Act and the same shall be deemed to and shall be and form part of the water undertaking.

Discharge of water into streams.

15.—(1) For the purpose of executing constructing laying down enlarging extending repairing renewing cleansing emptying removing or examining any of their waterworks the Council may cause the water in any such waterwork to be discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Council shall do as little damage as may be and shall make full compensation to all persons for all

damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889. A.D. 1925.

(3) The powers of this section shall not be exercised so as to damage or affect the railways or works of any railway company.

Dwelling-houses for persons in Council's employment.

16. The Council may purchase or take on lease dwelling-houses for persons employed by them for the purposes of the water undertaking and may erect maintain and let dwelling-houses for such persons upon any lands for the time being belonging to the Council for the purposes of the water undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Council for the purposes of the water undertaking.

Power to agree as to drainage of lands &c.

17. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of their waterworks with reference to the execution by the Council or 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 authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such works.

Power to take additional lands by agreement.

18. The Council in addition to any land which they may acquire as part of the Hilton waterworks may from time to time by agreement purchase take on lease or otherwise acquire and hold for the purposes of the water undertaking any lands (not exceeding in the whole ten acres) 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 Council may deem necessary for those purposes and the Council on any lands acquired under this section may execute for the purposes of or in connection with the water undertaking any of the works and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Council shall not create or permit a

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nuisance on such lands and shall not 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 water undertaking:

And provided also that except with the authority of an Act of Parliament or a Provisional Order confirmed by Act of Parliament the Council shall not sink any well for the purpose of taking water on any land which they may acquire under the powers conferred by this section except on any land within half a mile of the present wells comprised in the Hilton waterworks.

Power to hold sell lease &c. lands.

19. Notwithstanding anything in the Lands Clauses Acts the Council may retain hold and use for the purposes of the water undertaking for such time as they think fit any lands for the time being belonging to them and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly and may also make any such sale lease exchange or disposition subject to such other reservations special conditions restrictions and provisions with respect to the 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:

Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease or other disposition of any lands of the Council in any case in which such consent would be required if this Act had not been passed.

Power to hold lands and exercise powers for protection of waters.

20.—(1) For the purpose of protecting any of their waters and waterworks against pollution nuisance encroachment or injury the Council may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Council may have acquired for the purposes of the water

undertaking so long as they shall deem it necessary or expedient for those purposes: A.D. 1925.

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connection with the water undertaking and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Council.

(2) The Council 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 all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted and the Council 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.

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

PART IV.

SUPPLY OF WATER.

21. The limits of this Act for the supply of water shall be:— Limits of supply.

(*a*) the urban district of Oakengates; and

(*b*) so much of the parish of Shifnal in the rural district of Shifnal as lies to the north of the

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main road from Shifnal to Wellington between the eastern boundary of the district and the lodge of Priorslee Hall and to the north-west of an imaginary straight line drawn from a point in the said main road opposite the said lodge to the junction at Redhill of Watling Street with the road leading to The Woodhouse 68 chains or thereabouts to the east of the boundary of the district.

Limit of pressure.

22. The water supplied by the Council need not at any time be delivered at a pressure greater than that afforded by gravitation from the service reservoir or tank from which the supply is given.

Rates for supply of water for domestic purposes.

23.—(1) From and after the day of transfer the Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at such rates as the Council may from time to time determine not exceeding the rates per annum hereinafter specified (that is to say) :—

(*a*) Within the district—

Where the rateable value of the premises so supplied with water shall not exceed six pounds ten shillings the sum of thirteen shillings;

Where such rateable value exceeds six pounds ten shillings at a rate per centum per annum not exceeding ten pounds;

(*b*) Beyond the district—

Rates exceeding by not more than ten per centum the rates in this section specified in respect of premises within the district.

(2) The rateable value of any such premises shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list or poor rate such rateable value shall be a fairly apportioned

part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

(3) In addition to the foregoing rates the Council may in the case of any premises to which they furnish a supply of water charge for every watercloset beyond the first (for which no additional charge shall be made) a sum not exceeding five shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit.

(4) When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Council may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding thirty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first.

(5) Any sums charged under subsections (3) and (4) of this section shall be recoverable at the like dates and in the same manner as other water rates or charges leviable by the Council under this section can be recovered.

Rates payable by owners of small houses.

24. Where the rateable value of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered 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 the service upon him of a notice to pay the rate.

Supply by measure.

25. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may supply water by measure either for domestic or other purposes and the moneys payable for the supply of water under this section shall

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be recoverable in the same manner as water rates Provided always that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes and provided also that nothing in this section shall interfere with or affect the provisions of the section of this Act of which the marginal note is " Supply of water to company " or of the Third Schedule to this Act.

Price of supply by measure.

26. The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons in the case of supplies within the district and two shillings and nine pence per thousand gallons in the case of supplies beyond the district.

Supply to houses partly used for trade &c.

27.—(1) The Council 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 or manufacturing purpose for which water is required or (*b*) any workhouse hospital asylum or sanatorium.

(2) Where water supplied by the Council to a farm-house is used for farming purposes the Council may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Council to refuse a supply of water for domestic purposes to a farm-house at the rates authorised by this Act.

Revision of rates.

28. The Minister of Health may if he thinks fit from time to time on the application of the Council or of a local authority having jurisdiction within the limits of supply by Order vary either by way of increase or decrease the rates and charges for the supply of water which the Council are by this Act authorised to charge:

Provided that the rates and charges prescribed in any such Order shall be of such amounts as in the opinion of the Minister to provide a reasonable sum as a contribution towards a reserve fund so long as such fund does not amount to the maximum prescribed by the section of this Act of which the marginal note is " Reserve fund."

Discount for prompt payment of water rates.

29. The Council may if they think fit allow discounts or rebates to consumers of water in consideration of prompt payment of rates for the supply of water for domestic purposes not exceeding in any case five per

centum Provided that such discounts or rebates shall be at the same rate under like circumstances to all consumers Provided also that if and so long as the Council allow such discounts or rebates notice of the effect of this enactment shall be endorsed on every demand note for water rates. A.D. 1925.

Payment of water rates.

30. Notwithstanding anything contained in section 70 of the Waterworks Clauses Act 1847 the Council may by resolution declare that their water rates and charges shall be payable at such date or dates as the Council may from time to time appoint Provided that no person shall be compellable to pay such water rates or charges for any longer period in advance than three months.

Byelaws for preventing waste &c. of water.

31.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves taps soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as " water fittings ") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

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

(3) In case of failure of any person to observe such byelaws as are for the time being in force the 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 water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Council as the water rates in respect of the premises are recoverable.

(4) Nothing in this section shall apply to any water fittings or premises belonging to any railway company.

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Detection of waste.

32. Subject to the provisions of the Waterworks Clauses Act 1847 the 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 Council and stopcocks in the pipes supplying houses with water (without thereby in any way affecting the ownership of any such mains or pipes) 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 courts passages tramways gas or water pipes electric lines wires and apparatus Provided that the Council shall not interfere with 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.

Power to remove meters and fittings.

33. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the manager of the water undertaking or some other officer of the Council 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 fitting belonging to the Council is laid or fixed and through or in which the supply of water is from any cause other than the default of the Council 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.

Power to Council to repair communication pipes.

34.—(1) If it should appear to the Council that by reason of any injury to or defect in any communication pipe which the Council are not under obligation to maintain there is any waste or risk of waste of water or injury or risk of injury to person or property it shall be lawful for the Council to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Council in executing such repairs if found to be necessary shall be recoverable by the Council from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

(2) Provided that except in case of emergency the Council 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 in any case where the communication pipe is repairable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Separate communication pipes may be required.

35.—(1) The 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.

(2) If the owner of any house supplied with water by the Council when so required in pursuance of the preceding subsection fails within a period of one month after the receipt of such requirement to provide a separate pipe from the main pipe into such house the Council may themselves do the work necessary in that behalf and may recover from such owner the cost incurred by them in so doing summarily as a civil debt.

Maintenance of common pipe.

36. When several houses or parts of houses 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 parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and their respective proportion of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Council.

Notice of discontinuance.

37. A notice to the Council 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 Council or be given personally at the office of the Council.

Notice to Council of connecting or disconnecting meters.

38. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters

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shall be done at his cost and under the superintendence of any officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring meters &c.

39.—(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 fittings belonging to the Council 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 Council shall (without prejudice to any other right or remedy for the protection of the Council) be liable to a fine not exceeding five pounds and the Council 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 fittings belonging to the Council 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 Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or other 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 Council 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 Council when such pipe meter instrument or fittings is or are 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 fittings.

(4) The provisions of this section shall be in force in the district to the exclusion of those contained in section 60 of the Public Health Act 1875.

Interference with valves pipes and fittings.

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

Power to person liable to maintain pipes &c. to open ground.

41.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Acts 1847 and 1863 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Council may by agreement with any owner or occupier entitled or required to lay down maintain repair or remove any communication pipe and for that purpose to open or break up any street in the limits of supply execute such works on behalf of such owner or occupier and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier with whom the agreement is made.

Power to sell meters.

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

Power to supply fittings.

43.—(1) The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same.

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(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Council as the actual owners thereof :

Provided also as follows—

(*a*) The Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(*b*) Every sum charged by the Council in respect of the provision of such fittings or the fixing repairing or removal thereof shall be clearly stated in every demand note delivered by the Council to the consumer;

(*c*) The total sums expended and received by the Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for that year.

Power to lay pipes in str ets not dedicated to public use.

44. The Council may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation with this Act.

Contracts for supplying water in bulk.

45. The Council may enter into and carry into effect agreements with any authority water board company or person for the supply of water beyond the limits of supply to any such authority board 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 : A.D. 1925.

Provided that—

(*a*) Such supply shall not be given except with the consent of any authority board 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 for domestic purposes within the limits of supply and the supply of water to the Company under the section of this Act of which the marginal note is " Supply of water to company ";

(*b*) Nothing in this section shall authorise the Council to lay any mains or other pipes or to interfere with any street beyond the limits of supply; and

(*c*) Any such agreement if operative for a longer period than five years shall be subject to revision at the end of that period and of every succeeding period of five years.

Supply in bulk to Shifnal Rural Council.

46. The Council may in pursuance of any agreement already made or hereafter to be made between themselves and the Shifnal Rural Council supply water in bulk to the Shifnal Rural Council for the purpose of distribution within the parish of Sheriff Hales and such other portions of the district of the Shifnal Council as lie within one and one half miles from the well or wells comprised in the Hilton waterworks Any such supply as aforesaid shall be given upon and subject to such terms and conditions as may be prescribed in the agreement and the provisions of the section of this Act of which the marginal note is " Contracts for supplying water in bulk " shall not apply thereto.

Supply in bulk to Newport Rural Council.

47. The Council may in pursuance of any agreement already made or hereafter to be made between themselves and the Newport Rural Council supply water in bulk to the Newport Rural Council for the purpose of

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distribution within the part of the parish of Lilleshall hereinafter described (that is to say) :—

So much of the parish of Lilleshall in the rural district of Newport as lies to the south of (i) the footpath running in a north-westerly direction from the boundary between the parishes of Sheriff Hales and Lilleshall (at a point 300 yards or thereabouts to the south of New Lodge) to the disused canal at a point 300 yards or thereabouts in a south-easterly direction from Muxton Bridge Farm (ii) the said canal from the last-mentioned point to Farm Road (iii) Farm Road from the said canal to the junction of the said road with the footpath 60 yards to the north-west of Donnington Wood Farm and (iv) the said footpath from Farm Road to the boundary between the parish of Lilleshall and the district at a point 200 yards to the south-east of the Methodist Chapel in Trench Road.

Any such supply as aforesaid shall be given upon and subject to such terms and conditions as may be prescribed in the agreement and the provisions of the section of this Act of which the marginal note is "Contracts for supplying water in bulk" shall not apply thereto.

For protection of Salop County Council.

48. The following provisions for the protection of the county council of the administrative county of Salop (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed between the Council and the county council apply and have effect with respect to the execution of any works and the exercise of any powers under this Act by the Council in or affecting any main road or any county or main road bridge or the approaches thereto (that is to say) :—

(1) Section 30 of the Waterworks Clauses Act 1847 as incorporated with this Act shall in relation to any such road bridge or approach have effect as if the word "fourteen" were substituted for the word "three" in that section :

(2) All new mains pipes and works (not being replacements of existing mains pipes and works) (in this section referred to as "the works")

to be laid in or along any such road or in or upon or across any such bridge or approach shall be laid in such position in or at the side thereof as the county council in writing under the hand of their surveyor may reasonably direct:

(3) The works shall be so executed as not to stop or (so far as reasonably practicable) impede or interfere with the traffic on any such road or over any such bridge or approach and no greater consecutive length than one hundred yards of any such road bridge or approach shall be broken up at any one time:

(4) In the event of any such road bridge or approach in along over or near or attached to which the works shall have been laid being altered removed repaired or replaced the Council shall with all reasonable despatch on receiving one month's notice in writing under the hand of the clerk or surveyor to the county council so to do alter the position of the works in the manner and to the extent reasonably prescribed by such notice or as in case of difference shall be determined in the manner hereinafter provided Provided that during the alteration removal reparation or replacing of any such road bridge or approach the county council shall afford all reasonable facilities to enable the Council temporarily to carry the works by the side of the road or across any stream or brook so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through the works and Provided also that the county council shall repay to the Council any expense loss or damage reasonably incurred or sustained by the Council in complying with any requirements of the county council under this subsection or in temporarily carrying the works by the side of such road bridge or approach:

(5) The Council shall indemnify the county council against any claim for damage that may be made against the county council and against any injury loss cost or expense which may be caused

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to or incurred by the county council by reason or in consequence of the bursting leakage or failure of the works:

(6) If any difference shall arise under this section the same shall be determined by an arbitrator to be agreed on between the parties or failing agreement to be appointed on the application of either party after notice to the other by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of certain railway companies.

49. For the protection of the Great Western Railway Company and the London Midland and Scottish Railway Company (each of whom is in this section referred to as "the railway company") the following provisions shall unless otherwise agreed between the railway company and the council apply and have effect (that is to say):—

(1) In constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals of any main pipe or work of the Council by Parts II. III. or IV. of this Act authorised (in this section referred to as "the works of the Council") upon across over under or in any way affecting the railways or other property of the railway company the same shall be done except as in this section is otherwise provided under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the railway company and except in cases of repair or emergency according to plans and sections to be submitted to and reasonably approved by the said engineer Provided that if the said engineer shall not signify his approval of such plans and sections within fourteen days after they shall have been submitted to him he shall be deemed to have approved thereof:

(2) The Council shall restore any road which is repairable by the railway company so far as the same may be disturbed or interfered with by or owing to any of the works of the Council:

(3) If the railway company so elect they may themselves execute and maintain the said works

(other than the actual laying down and maintenance of the pipes) and may recover the reasonable costs of so doing from the Council:

(4) The works of the Council shall be constructed and executed so as not to cause any injury to the railways or other property of the railway company or interruption to the passage or conduct of traffic over such railways or at any station thereon but if any such injury or interruption shall arise from the acts or operations of the Council or the bursting leakage or failure of any works of the Council under or near to any railway or other property of the railway company the Council shall indemnify the railway company from all claims in respect of any such injury damage or interruption and shall make compensation to the railway company for and in respect thereof:

(5) If the Council fail to maintain the works of the Council under or over the railways or other property of the railway company the railway company make make good the same and make and do in and upon as well the lands of the Council as their own lands all such repairs and things as may be reasonably requisite and recover the reasonable expense thereof from the Council:

(6) The Council shall not without the previous consent of the railway company exercise the powers conferred on them by the section of this Act of which the marginal note is "Power to lay pipes in streets not dedicated to public use" in respect of any street which is the property of the railway company but such consent shall not be unreasonably withheld:

(7) Any difference arising between the Council and the railway company under this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

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PART V.

STREETS BUILDINGS SEWERS DRAINS WATERCOURSES &c.

Continuation of existing street to be deemed new street.

50. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any other Act or byelaw for the time being in force within the district be deemed to be a new street.

Power to define future line of existing streets.

51.—(1) (*a*) Where any street in the district repairable by the inhabitants at large or any part of such street is in the opinion of the Council narrow or inconvenient or without any sufficiently regular line of frontage or where at the corner of any street it is in their opinion desirable to set back the line of frontage in order to facilitate traffic or where in any other case it is in their opinion necessary or desirable that the line of frontage should be altered the Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or any part thereof.

(*b*) The line which in any case the Council propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the clerk and deposited with the surveyor and such plan shall at all reasonable times thereafter be open for the inspection of the public without charge and one month at least before the Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot with reasonable diligence be ascertained by affixing such notice to or on the premises.

(*c*) No new building erection excavation or obstruction shall be made or placed nearer to the centre of the street than such line except with the consent of the Council which may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(2) The Council may and if required so to do by the owner shall purchase and the owner and all other persons interested shall if required so to do by the Council sell the land for the time being unbuilt upon

lying between any line prescribed by the Council under this section and the street and the same when purchased shall vest in the Council as part of the street and the amount of purchase money shall in case of difference be settled under the Lands Clauses Acts.

(3) Whenever in any of the above cases the Council shall require the line prescribed by them to be observed and kept they shall make full compensation to the owner of and other persons interested in any such land for any loss or damage which he or they may sustain in consequence of the line of frontage being set back and kept and the Council shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building compensation in respect thereof for all damage and loss or injury (if any) sustained by them to such land or building by reason of the Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been prescribed and defined as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

No building allowed until street defined.

52.—(1) No person except with the consent of the Council shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and level thereof.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Trees overhanging highways.

53.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree

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hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost of so doing from the owner or occupier on whom the notice was served.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a court of summary jurisdiction within fourteen clear days after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the clerk at or before the time of lodging the appeal and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

For preventing water flowing on footpath.

54. Where premises abutting upon any street are so situate that the surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Council for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Fire alarms.

55. The Council may erect or fix street fire alarms in such positions in any street road or public place within the district as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Water-courses not to be covered over &c. except in

56.—(1) It shall not be lawful to culvert cover over stop up obstruct or divert any stream or watercourse except in accordance with plans and sections to be submitted to and approved by the Council such approval not to be unreasonably withheld or delayed and any

person acting in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings:

In accordance with approved plans.

Provided that—

(*a*) No requirement of the Council in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;

(*b*) If with the consent of such owner the Council shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Council.

(2) If any difference shall arise between the Council and such owner as to the expediency or necessity of the works required by the Council to be executed under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

Rivers streams &c. choked up to be a nuisance under Public Health Act 1875.

57. Any river stream or watercourse or any part or parts thereof respectively within the district so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto or to hinder the usual effectual drainage of water through the same shall be deemed to be a nuisance within the meaning of section 91 of the Public Health Act 1875 and all the provisions of that Act relating to nuisances shall apply to every river stream or watercourse notwithstanding that the same may not be injurious to health.

Penalty for throwing rubbish into streams.

58. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream or brook within the district so as to interfere with the due flow of water

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in any such stream or brook shall be liable to a penalty not exceeding five pounds.

Provisions as to combined drainage for two or more houses.

59. The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Power to require specially enlarged sewer in new street.

60. If in any street not repairable by the inhabitants at large the Council for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Council and the additional cost thereof as ascertained by the surveyor shall be paid by the Council.

Power to lay drains in private streets.

61. The Council may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter re-lay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Notice of intention to repair drains &c.

62.—(1) It shall not be lawful for any person to repair any drain soil pipe or sink pipe communicating with any sewer of the Council without giving to the Council or to the medical officer or surveyor twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain or pipe without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the surveyor sanitary inspector or to any

officer of the Council authorised in writing by the medical officer for the purpose of inspection. A.D. 1925.

(3) Any person who offends against this section shall be liable to a penalty not exceeding five pounds.

As to repair of private drains.

63. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Council it shall be lawful for the Council if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine Provided that where such expenses do not exceed twenty shillings the Council may remit the payment of the same by the owner or owners if they think fit.

Improper construction or repair of watercloset or drain.

64.—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Prohibiting entry of petrol &c. into sewers.

65.—(1) Every person who wilfully or negligently turns or permits to enter into any sewer of the Council or any drain communicating therewith any petroleum spirit or carbide of calcium from any workshop motor

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garage or other like premises shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(2) In this section the expression "petroleum spirit" means such crude petroleum oil made from petroleum coal shale peat or other bituminous substances and other products of petroleum and mixtures containing petroleum as when tested in manner set forth in schedule 1 to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer.

Wilful damage to drains waterclosets &c.

66. If any person cause any drain watercloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

Partial saving as to railway companies.

67. Nothing in this Part of this Act except the sections whereof the marginal notes are :—

"Trees overhanging highways";

"For preventing water flowing on footpath";

"Provisions as to combined drainage for two or more houses";

"Power to require specially enlarged sewer in new street";

"Improper construction or repair of watercloset or drain";

"Prohibiting entry of petrol &c. into sewers";

"Wilful damage to drains waterclosets &c.";

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by

or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company and used for the purposes (other than for a dwelling-house) of their undertaking with the authority of Parliament.

PART VI.

INFECTIOUS DISEASES AND SANITARY PROVISIONS.

Power to close Sunday schools and exclude children from entertainments.

68.—(1) If the Council or any committee of the Council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the district require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings.

(3) For the purposes of this section the expression "infectious disease" includes measles german measles whooping cough chicken pox and influenza and the expression "Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether or not on a Sunday.

Penalty on withholding information from medical officer.

69.—(1) The occupier of any building in the district which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

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(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable on summary conviction to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Prevention of contact with body of person dying of infectious disease.

70. Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a penalty not exceeding five pounds.

Removal of body of person dying of infectious disease.

71. When any person suffering from infectious disease shall die of such disease the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding two pounds.

Public notice to be given of preceding provisions of this Part of Act.

72.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice affixed outside the Council offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section so far as they relate to advertisements in newspapers have been complied with and the production of a certificate purporting to be signed by an officer or

servant of the Council that the notice required by this section has been affixed outside the Council offices and that handbills have been distributed amongst persons affected or likely to be affected so far as such persons could reasonably be ascertained shall be sufficient evidence that the other provisions of this section have been complied with.

For regulating manufacture and sale of ice-cream &c.

73.—(1) Any person being a manufacturer of or vendor or merchant or dealer in ice-cream or other similar commodity who within the district—

(*a*) causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(*b*) in the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(*c*) omits on the outbreak of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer;

shall be liable for every such offence upon summary conviction thereof to a penalty not exceeding five pounds.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or other similar commodity) suffering from any infectious disease the medical officer or sanitary inspector or any other officer who is duly authorised by the Council in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Council shall compensate the owner of the ice-cream commodity or materials so destroyed.

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(3) Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable upon conviction to a penalty not exceeding forty shillings.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Council in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein and any cart barrow or stand in or on which the same are offered for sale as an officer of the Council would have under section 102 of the Public Health Act 1875 in the cases therein mentioned and any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

Larders to be provided.

74.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allowed to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2) (*a*) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Council requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(*b*) Any owner aggrieved by any requirement of the Council under this subsection may appeal to a court of

summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs Notice of the right of appeal shall be endorsed on every requirement of the Council under this subsection.

(*c*) If in any case the owner alleges that the occupier of any dwelling-house in respect of which any work is required to be executed under the provisions of this subsection ought to bear or contribute to the expenses of the execution of such work he may apply to a court of summary jurisdiction and such court shall have power to make such order as the court may think fit.

As to houses without water supply.

75. The owner of any dwelling-house erected after the passing of this Act which is not provided with a proper and sufficient water supply within such dwelling-house who shall occupy or allow to be occupied such dwelling-house shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Regulation bins for refuse &c.

76.—(1) The Council may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop in the district to provide portable galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Council.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

(3) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Council under subsection (1) of this section or who fails to comply with the requirements of subsection (2) of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings:

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Provided that this section shall not apply to any ashpits or ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) Nothing in this section shall apply to or affect any warehouse belonging to any railway company.

Defining establishment of a new business for purposes of section 112 of Public Health Act 1875.

77.—(1) For the purposes of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by this Act a trade business or manufacture shall be deemed to be established not only if it is established for the first time but also if without the consent in writing of the Council—

(*a*) it is removed from one set of premises to any any other premises; or

(*b*) it is renewed on the same set of premises after having been discontinued for a period of six months or upwards; or

(*c*) any premises on which it is for the time being carried on are enlarged;

but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership or tenancy of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

(2) Any consent of the Council to the establishment of any offensive trade or to the enlargement of any premises on which any offensive trade is carried on may be given so as to continue in force for such period only as the Council may prescribe by such consent and section 112 of the Public Health Act 1875 and this section shall be construed accordingly.

(3) If any person shall carry on such offensive trade beyond the period aforesaid he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART VII.

FINANCE.

Power to borrow.

78.—(1) The Council may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the district fund and general district rate and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as "the prescribed period") mentioned in the third column thereof (namely):—

(1)	(2)	(3)
(*a*) For the purchase of the Hilton waterworks and for defraying the costs and expenses incident to such purchase and to the transfer of the Hilton waterworks to the Council.	The sum requisite.	Thirty-five years from the date or dates of borrowing.
(*b*) For the purchase of the water mains pipes and other works of the company and for defraying the costs and expenses incident to such purchase and to the transfer of the said mains pipes and works to the Council.	The sum requisite.	Twenty years from the date or dates of borrowing.
	£	
(*c*) For new mains and extensions of mains.	3,500	Thirty-five years from the date or dates of borrowing.
(*d*) For additions to wells and pumping station and other waterworks purposes.	7,000	Thirty-five years from the date or dates of borrowing.
(*e*) For working capital - -	1,000	Ten years from the date or dates of borrowing.
(*f*) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (*a*) The Council may also with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act.

(*b*) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Council may mortgage or charge

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such fund or rate as may be prescribed by the Minister of Health.

(*c*) Any money borrowed under this subsection shall be repaid within such period (in this Act referred to as "the prescribed period") as may be prescribed by the Minister of Health.

(3) The provisions of this section prescribing the fund or rate which may be mortgaged or charged shall not limit the powers conferred upon the Council by the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes."

(4) In calculating the sums the Council may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the power of the Council of borrowing and re-borrowing under and for the purposes of this Act shall not be restricted by any of the provisions or regulations of the Public Health Acts.

Application of money borrowed.

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

Mode of raising money.

80. The Council may raise all or any moneys which they are authorised to borrow or reborrow under this Act by mortgage or by the 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 or others Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of sections 15 and 16 of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.

81. Subject to the provisions of the section of this Act of which the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 with any necessary modifications shall extend and apply to mortgages granted under this Act:—

Section 236 (Form of mortgage);
Section 237 (Register of mortgages);
Section 238 (Transfer of mortgages);
Section 239 (Appointment of receiver).

Mode of payment off of money borrowed.

82. The 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 combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months of the date of borrowing.

Sinking fund.

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

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

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

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

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

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

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

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

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

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Minister of Health that any such increase is necessary the Council shall increase the payments to such extent as the Minister of Health may direct.

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

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Minister of Health may determine.

Power to reborrow.

84.—(1) The Council shall have power—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(*b*) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be paid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) By instalments or annual payments; or

(*b*) By means of a sinking fund; or

(*c*) Out of moneys derived from the sale of land; or

(*d*) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to invest sinking funds in statutory securities.

85. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use one form of mortgage for all purposes.

86.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Fourth Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed

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duly stamped truly stating the consideration and such transfer may be according to the form contained in the Fourth Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to use sinking fund instead of borrowing.

87.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(*a*) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh

security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund;

(*b*) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(*c*) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as that Minister shall require.

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Return to Minister of Health with respect to repayment of debt.

88.—(1) The clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council under any statutory borrowing power.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the clerk or other the chief accounting officer of the Council and shall be transmitted within one month after the making of the request and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Protection of lender from necessity of inquiry.

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

Council not to regard trusts.

90. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Receipt in case of persons not sui juris.

91. If any money is payable to a mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Proceeds of sale of surplus lands &c.

92. So long as any lands remain to be acquired by the Council under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them (*a*) on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act or (*b*) on the sale of water mains pipes and other works in pursuance of the provisions of the sections of this Act of which the marginal notes are "Sale of certain mains and works to Shifnal Rural Council" and "Sale of certain mains and works to Newport Rural Council" in the purchase of lands remaining to be acquired by the Council under the authority of this Act but as to capital moneys so received and not so applied the Council 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 provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health:

Provided that—

(1) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase:

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(2) The borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Expenses of execution of Act.

93. All expenses incurred by the Council in carrying into execution the provisions of this Act except such of those expenses as are to be paid out of borrowed moneys or are otherwise provided for may be paid out of the district fund and general district rate.

Interest on mortgages held jointly.

94. Where more persons than one are registered as joint holders of any mortgage of the Council any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council or the treasurer by any other of them.

Application of revenue and payment of expenses of water undertaking.

95. All moneys received by the Council on account of the revenue of the water undertaking shall be carried to and shall form part of the district fund and all payments and expenses made and incurred in respect of the water undertaking shall be paid out of that fund.

Reserve fund.

96. The Council may if they think fit provide a reserve fund in respect of the water undertaking by setting aside such an amount as they may from time to time think reasonable and investing the same in statutory securities and accumulating the same until the fund so formed amounts to a sum equal to one-tenth of the aggregate amount of capital expenditure on the water undertaking which fund shall be applicable to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of the undertaking and so that if that 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 the time have reached or may have been reduced below the prescribed maximum.

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Separate accounts to be kept.

97.—(1) The Council shall keep their accounts in respect of the water undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

(*a*) The working and establishment expenses and cost of maintenance of the undertaking;

(*b*) The interest on moneys borrowed by the Council for the purposes of or connected with the undertaking;

(*c*) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(*d*) All other expenses (if any) of maintaining the undertaking;

(*e*) The amount (if any) paid to any reserve fund which the Council are by this Act authorised to maintain.

(2) Notwithstanding anything contained in this Act the Council shall show in their accounts relating to the water undertaking all items (including the payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the water undertaking.

PART VIII.

MISCELLANEOUS.

Power to enter premises

98. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part V. (Streets buildings sewers drains watercourses &c.) and Part VI. (Infectious diseases and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

As to breach of

99. Where under this Act or under any general or local Act for the time being in force in the district the

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conditions of consent of Council.

Council 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.

Consents of Council to be in writing.

100. All consents given by the Council under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the district shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

In executing works for owner Council liable for negligence only.

101. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Apportionment of expenses in case of joint owners.

102. Where under the provisions of this Act or any local Act in force in the district the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Expenses may be

103. The Council may declare any expenses incurred by them under the provisions of this Act which

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are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

declared private improvement expenses.

104. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Council under Part V. (Streets buildings sewers drains watercourses &c.) or Part VI. (Infectious diseases and sanitary provisions) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Penalty on occupier refusing execution of Act.

105. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Council under the powers of this Act.

General provisions as to byelaws.

106. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the district it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report

Evidence of appointments authority &c.

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purporting to be authenticated by the signature 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.

107.—(1) Where any notice or demand under this Act or under any local Act or Order or any byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Damages and charges to be settled by court.

108. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of demands.

109. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or 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 a personal action.

As to appeals.

110. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of Part V. (Streets buildings sewers drains watercourses &c.) or Part VI. (Infectious

diseases and sanitary provisions) of this Act or by any conviction or order made by a court of summary jurisdiction or a petty sessional court under the provisions of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessional court the Council may in like manner appeal.

Several sums in one summons.

111. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the district any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Informations by whom to be laid.

112. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk.

Recovery of penalties &c.

113. 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 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.

Penalties to be paid over to treasurer.

114. All penalties recovered on the prosecution of the Council or any officer of the Council on their behalf under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the district fund or to such other fund as the Council shall direct.

Compensation how to be determined.

115. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

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Powers of Act cumulative.

116. All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Application of section 265 of Public Health Act 1875.

117. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Judges not disqualified.

118. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Inquiries by Minister of Health.

119.—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Council shall pay to the Minister of Health any expenses incurred by the Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister for the services of such inspector.

Crown rights.

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

Costs of Act.

121. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council in the first instance out of the district fund and general district rate and ultimately may be paid out of money to be borrowed under the powers of this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

AN AGREEMENT made the tenth day of December one thousand nine hundred and twenty-four between THE MOST NOBLE GEORGE GRANVILLE DUKE AND EARL OF SUTHERLAND (hereinafter called "the Vendor") of the one part and THE URBAN DISTRICT COUNCIL OF OAKENGATES in the county of Salop (hereinafter called "the Council") of the other part Whereby it is agreed as follows:—

1. Subject to the sanction of Parliament being obtained as hereinafter provided the Vendor shall sell and the Council shall purchase the works plant machinery lands premises rights and privileges comprised and described in the First Schedule hereto (all of which are hereinafter referred to as "the Hilton water-works") at the price of twelve thousand five hundred pounds.

2. The day of transfer shall be the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September or the twenty-fifth day of December next following the date of the Royal Assent to the Bill to be promoted by the Council as hereinafter provided.

3. The Council shall promote and use their best endeavours to procure the passing of a Bill with such clauses and provisions as may in the opinion of the Council be necessary to carry this agreement into effect or otherwise in connection with the supply and distribution of water within the district of the Council the parish of Sheriff Hales and parts of the parishes of Shifnal and Lilleshall.

4. The purchase money shall be paid to the Vendor on the day of transfer but if from any cause other than the wilful default of the Council the transfer is not completed on the day of transfer the Council shall pay interest after the rate of five pounds per centum per annum on the purchase money from that day until the purchase money shall be paid or the Vendor may at his option continue in receipt of the rents and profits until the actual completion of the purchase.

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5. The Council shall in addition to the purchase money pay to the Vendor on completion the proper proportion of all water charges due from them to the Vendor under or by virtue of the agreement of the twenty-seventh day of December one thousand nine hundred and five referred to in the Second Schedule hereto together with the proper proportion of all water charges due from other consumers and current at the date of completion and all rates and outgoings in respect of the Hilton waterworks shall be apportioned as from the day of transfer.

6. The purchase shall be subject to the conditions of sale (hereinafter referred to as the "incorporated conditions") subject to which portions of the Vendor's Lilleshall Estate were offered for sale at the town hall Wellington Salop on the twenty-second twenty-third and twenty-fourth days of July one thousand nine hundred and fourteen and the twenty-fourth twenty-fifth twenty-sixth and twenty-seventh days of July one thousand nine hundred and seventeen respectively so far as such conditions are applicable to this present sale and subject to such amendments as may be necessary in the event of the Hilton waterworks being vested in the Council by the proposed Bill but such amendments shall not prejudice the rights of prior purchasers from the Vendor nor the obligations (if any) of the Vendor to such purchasers.

7. All objections and requisitions in respect of the title shall be delivered in writing at the office of the Vendor's solicitors Messrs. Liddle and Heane at Newport Salop within twenty-eight days after the delivery of the abstract and all further objections and requisitions arising out of the replies to any former requisitions shall be delivered within ten days from the delivery of such replies and the draft assurance shall be sent to the Vendor's solicitors forty days and the draft and engrossment thirty days before the day of transfer.

8. The sale shall be subject to and with the benefit of the agreements specified or referred to in the Second Schedule hereto so far as such agreements or any of them are not altered or cancelled by the said Bill and subject to any such alteration or cancellation the Council shall covenant with the Vendor to observe and perform all the obligations and conditions entered into by the late Duke or by the Vendor for the purpose of such agreements so far as such obligations and conditions can be or are applicable to the Hilton waterworks and shall indemnify the Vendor and the estate of the late Duke in respect thereof.

9. The sale is also subject to and with the benefit of an indenture of conveyance dated the first day of May one thousand nine hundred and eighteen and made between the Vendor of the first part the Duke of Argyll and the Honourable Eric Chaplin of the second part the Newcombe Estates Company Limited and Albert Wilkinson of the third part and George Frederick Heath

of the fourth part whereby certain coal and ironstone and other stone mines and minerals petroleum and natural gas and related hydrocarbons within and under the lands delineated and edged green on the plan annexed to the said indenture with powers of working and getting the same were (inter alia) conveyed to the said George Frederick Heath in fee simple.

10. The Vendor will supply the Council with all further or other information concerning the Hilton waterworks which they may reasonably require and will also by his agent attend before the Parliamentary Committees to whom the Bill may be referred and give evidence in support of the said Bill Provided that any expenses which the Vendor may reasonably incur in complying with this clause shall be repaid to him by the Council.

11. This agreement is made subject to the approval of Parliament and to such alterations as Parliament may think fit to make therein but in the event of a Committee of either House of Parliament making any material alteration in this agreement it shall be competent to the Vendor or the Council by notice in writing to that effect given to the other party to this agreement to withdraw from this agreement and the same shall thereupon be absolutely determined.

12. The Council shall on completion pay the charges of the Vendor's solicitors according to the scale of deducing title and perusing and completing the assurance to the Council.

In witness whereof the Vendor hath set his hand and the Council have caused their common seal to be affixed the day and year first before written.

The FIRST SCHEDULE before referred to.

Part 1.

The Hilton waterworks situate in the parishes of Sheriff Hales and Lilleshall in the county of Salop comprising the pumping station and land surrounding the same and a piece of land leading from the said land to the main road leading from Shifnal to Newport the area of the said land being one acre or thereabouts and the said road ·066 acre or thereabouts all of which is staked out and coloured pink on the plan marked A hereto annexed and the reservoir and land at Redhill also coloured pink on the said plan marked A containing an area of ·620 acre and also such right to discharge water from the said reservoir over the adjoining field numbered 1230 on the said plan marked A as is now vested in the Vendor Together with a right of cartway thereto leading from the old Watling Street Road and the Meter House and the meter therein also coloured pink on the said plan marked A and the main from

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the said reservoir to the said Meter House and also the rising main running from the pumping station to the said reservoir and the supply mains shewn coloured pink on the plan marked B hereto annexed together with the buildings engines pumps machinery fixed plant water hydrants mains pipes and other works thereon or connected therewith as are now vested in the Vendor or the late Duke's representatives And together also with all such rights as are now vested in and exerciseable by the Vendor or the late Duke's representatives for the Council or their assigns or other the owner or owners for the time being of the said waterworks and premises and persons authorised by them at all reasonable times to enter upon any adjoining or adjacent lands and hereditaments upon in or under which the said waterworks or any of the said engines machinery plant mains pipes or other works or appliances may be situate for the purpose of inspecting relaying repairing renewing removing or cleansing the same they giving reasonable notice in writing to the respective owners or occupiers of the said land of their intention to exercise such rights and doing as little damage as possible by the exercise thereof and paying the owners or occupiers reasonable compensation for such damage Together with all other rights of access way and water to and from the said premises respectively and rights of pipes and mains and other rights and privileges to the same extent as the same have heretofore been enjoyed by the late Duke or by the Vendor and which have been reserved to the Vendor or his successors in title by the incorporated conditions and all other matters and things mentioned in section 6 of the Conveyancing Act 1881 And all other the benefit and advantages of the said waterworks and of any covenants in respect of the same or any part thereof which have been entered into by the purchasers from the late Duke or the Vendor of any part or parts of the Lilleshall Estate.

PART 2.

All those four cottages and premises situate at Hilton Bank Sheriff Hales Village Kettlemay Lane and Lillehurst and now in the respective occupations of John Challenor the representatives of the late Frederick Thompson Asa Shuker and Frederick Adams which said premises are coloured pink on the said plan marked A.

The SECOND SCHEDULE above referred to.

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(1) Agreement dated the twenty-seventh day of December one thousand nine hundred and five and made between the Most Noble Cromartie Duke and Earl of Sutherland K.G. of the one part and the Council of the other part.

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(2) Agreement dated the twenty-first day of December one thousand nine hundred and five and made between the said Cromartie Duke and Earl of Sutherland of the one part and the Lilleshall Company Limited of the other part and an agreement dated the seventeenth day of December one thousand nine hundred and fourteen made between the Most Noble George Granville Duke and Earl of Sutherland of the one part and the said company of the other part.

(3) Agreement dated the twenty-fourth day of October one thousand nine hundred and six and made between the Most Noble Cromartie Duke and Earl of Sutherland K.G. of the one part and Captain James Foster of the other part as modified by a letter dated the tenth day of December one thousand nine hundred and twenty-one written by Frederick Todd Esquire the Duke's agent to Captain James Foster and Captain James Foster's reply dated the twelfth day of December one thousand nine hundred and twenty-one.

(4) Agreement dated the twenty-third day of April one thousand nine hundred and twenty-one and made between the Vendor of the one part and Sir John Leigh Baronet of the other part.

(5) Any and all other existing agreements or arrangements (if any) for the supply of water from the said Hilton waterworks.

(6) The mining lease dated the nineteenth day of February one thousand nine hundred and eight to the Lilleshall Company Limited and all the powers and provisions therein contained.

(7) An agreement dated the ninth day of March one thousand nine hundred and twelve relative to the repair of the reservoir in case of damage caused by the mining operations of the Lilleshall Company under the powers contained in the said lease of the nineteenth day of February one thousand nine hundred and eight.

Signed by the said George Granville Duke and Earl of Sutherland in the presence of
B. A. PROWSE
35 Parliament Street
London S.W. 1.

SUTHERLAND.

TIMOTHY FREEMAN
Chairman.

JNO. A. HOLMES
Clerk.

The Seal of the Oakengates Urban District Council.

A.D. 1925.

SECOND SCHEDULE.

MAINS PIPES AND WORKS OF THE LILLESHALL COMPANY LIMITED.

Urban district of Oakengates and parishes of Shifnal and Lilleshall :—

	Yards
Gower Street to Duke Street	104
Duke Street to Barrack Houses	772
Barrack Houses to Rookery and Nyth	567
Chatham Barracks	682
Snedshill Square to Snedshill Forge	633
Snedshill Forge to Foundry Yard	132
Snedshill Square to Snedshill Brickworks	440
Snedshill Square to top of Hall Lane	1,030
Top of Hall Lane to Dark Lane	576
Prior's Lee Square to Stone House	220
New Yard to Fenns Fold	220
Fenns Fold to " Nyth "	127
Gower Street to Nabb Chapel	462
Nabb Chapel to Nabb Stables	237
Nabb Chapel to Nabb Hill	233
Nabb Hill to Nabb Church	233
Footbridge to Cockshutt Piece	150
Nabb Chapel to Cockshutt	950
Cockshutt to Incline	100
Top of Incline to Lamb Lane	290
Lamb Lane to Moss Road	357
Cockshutt to New Road Wrockwardine Wood	143
From Gullet New Road to Glasshouses	1,116
Stafford Road to Hydraulic Bank	198

TANKS.

Hydraulic Bank capacity 5,500 gallons fixed on brick piers 8 ft. high with 3 in. ball valve and fittings complete.

Prior's Lee capacity 6,500 gallons fixed on brick piers with 3 in. ball valve and fittings complete.

VALVES.

30 stop-valves various sizes.

THIRD SCHEDULE.

TERMS FOR SUPPLY OF WATER IN BULK TO THE LILLESHALL COMPANY LIMITED.

1. For the purposes of this schedule the expression "the Council" means the urban district council of Oakengates the expression "the district" means the urban district of Oakengates the expression "the limits of supply" means the limits within which the Council are for the time being authorised to supply water the expression "the company" means the Lilleshall Company Limited the expression "the day of transfer" means the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September or twenty-fifth day of December next following the date of the Royal Assent to this Act the expression "year" means a period of twelve calendar months expiring at midnight on the thirty-first day of March and the expression "quarter" means a quarter of a year expiring on the thirty-first day of March the thirtieth day of June the thirtieth day of September or the thirty-first day of December.

2. Subject as hereinafter provided the Council shall supply from the Redhill service reservoir and the company shall take from the Council as from the day of transfer such quantity of water as the company shall require not exceeding two hundred and fifty thousand gallons per day.

3. The supply shall be delivered by the Council at a point at or near the Redhill service reservoir or at such other point or points as may be mutually agreed between the Council and the company (hereinafter referred to as "the point of delivery") and shall be taken in a regular and continuous flow throughout the twenty-four hours of every day.

4. The water so supplied shall be measured by a meter or meters to be provided and fixed by the Council in a meter-house at the point of delivery and such meter or meters shall be under the sole control of the Council and shall be maintained by them The company shall pay to the Council on every thirty-first day of March during the continuance of the supply hereunder the sum of seven pounds ten shillings in respect of the cost of the provision and maintenance of such meter or meters and meter-house The company shall at all reasonable times be at liberty by themselves their engineer or agent (on giving sufficient notice to the official of the Council having charge of such meter or meters to enable him to have the meter or meters opened for inspection) to inspect such meter or meters and to require the accuracy thereof to be tested all the expenses of and incident to such testing being payable by the company.

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5. The meter or meters shall be fixed and all pipes valves and other apparatus shall be laid fixed and connected by and at the cost of the Council and shall remain their property.

6. The Council shall during the continuance of the supply under this schedule provide maintain adjust and renew such meters as shall be required at the Sheriff Hales pumping station for measuring the quantity of water obtained therefrom and shall if necessary replace the same by others The company after giving reasonable notice in writing to the Council shall at all reasonable times be at liberty by their servants or agents to inspect such meters and to test the accuracy thereof and the company shall also be at liberty at all reasonable times to inspect and take copies of the meter records at the Sheriff Hales pumping station.

7. The register of the meters shall be primâ facie evidence of the quantity of water supplied by the Council through such meters or pumped at the Sheriff Hales pumping station as the cash may be.

8. If at any time any meter shall cease to register or shall register incorrectly or shall at any time be removed for the purpose of repair or for any other reason then until such meter shall be repaired and refixed so as to register correctly the quantity of water obtained from the Sheriff Hales pumping station or supplied to the company as the case may be shall be deemed to be the quantity obtained or supplied during the corresponding period of the previous year with such addition or reduction in respect of increase or decrease of the quantity of water obtained or supplied as the case may be as may be agreed between the Council and the company or as failing agreement shall be settled by arbitration as hereinafter provided In the event of any meter at any time registering incorrectly the Council on becoming aware thereof shall repair or replace the same with a correct meter within a reasonable time and in the event of the meter being removed for any reason the Council shall refix or replace the same within such reasonable time.

9. The company shall pay to the Council for all water supplied in any year during the continuance of the supply at the rate of such sum per one thousand gallons as shall be equal to the prime cost to the Council during such year per one thousand gallons delivered from the Redhill service reservoir (hereinafter referred to as "the prime cost of the water") together with an addition of a sum equal to seven pounds ten shillings per centum on such prime cost in respect of establishment charges.

10. For the purposes of this schedule the prime cost of the water in any year shall be ascertained by dividing (*a*) the total expenditure of the Council in that year on revenue account (exclusive of the matters covered by the addition of seven pounds ten shillings per centum referred to in the last preceding paragraph

of this schedule) so far as such expenditure is incurred on or in connection with so much of the water undertaking of the Council as is situate outside the present boundary of the district for the pumping treating protecting and distribution of water obtained from the Sheriff Hales pumping station including loan charges and a contribution to the reserve fund not exceeding an amount equal to ten shillings per centum of the aggregate amount of capital expenditure on the said part of the water undertaking by (*b*) the quantity of water obtained from the Sheriff Hales pumping station during that year Provided that for the purposes of the foregoing calculation the quantity of water supplied by the Council to any consumers within so much of the limits of supply as is situate outside the district (calculated in the case of domestic supplies at the rate of seventy-five gallons per day as regards each dwelling-house supplied by the Council) shall be deducted from the quantity of water obtained from the Sheriff Hales pumping station and a sum equal to the total amounts paid or payable by consumers in such portion of the limits of supply shall be deducted from the expenditure on revenue account.

11. The company or their authorised representatives shall at all reasonable times be entitled to inspect and take copies of the accounts relating to the water undertaking of the Council and all necessary books of the Council for the purpose of ascertaining the prime cost of the water and making any calculations for the purposes of this schedule.

12. Within fourteen days after the expiration of every quarter during the continuance of the supply under this schedule the company shall pay to the Council such sum as shall be estimated to be due in accordance with this schedule for the water supplied to the company during such quarter For the purposes of such estimate the prime cost of the water shall for the year during which the supply under this schedule commences be taken at sixpence per one thousand gallons and for every succeeding year during the continuance of the supply under this schedule at the ascertained prime cost of the water for the immediately preceding year Within two calendar months after the expiration of every year during the continuance of the supply under this schedule the prime cost of the water for such year shall be ascertained and the amount payable under this schedule for the water supplied to the company during such year shall be determined The difference between such amount and the sum then already paid by the company for such year shall be added or deducted as the case may be to or from the next payment becoming due from the company to the Council.

13. The company shall take a minimum supply of one hundred and twenty-five thousand gallons per day during the

A.D. 1925. continuance of the supply under this schedule and shall pay the Council for that quantity whether such quantity shall be taken or not.

14. The Council shall not be liable for any loss or damage which may be occasioned to the company or any other person or persons by any failure or deficiency in the supply of water to be given under the provisions of this schedule if such failure or deficiency shall be due to frost drought insufficiency of pressure bursting of or accidents to aqueducts pipes or works or to any cause or circumstance not under the control of the Council or while the works of the Council shall be undergoing necessary repairs or cleansing.

15. If at any time there shall not be sufficient water available for the requirements of the company of the consumers in the limits of supply other than the company of the Shifnal Rural Council and of the Newport Rural Council the Council shall be entitled (*a*) to use and supply a quantity of water equivalent to twenty gallons per day per head of the population for the time being within the limits of supply and (*b*) to supply to the Shifnal Rural Council and the Newport Rural Council a quantity of water equivalent to twenty gallons per head per day of the population for the time being within the areas referred to in the sections of the foregoing Act of which the marginal notes are "Supply in bulk to Shifnal Rural Council" and "Supply in bulk to Newport Rural Council" before affording any supply to the company and the company shall be entitled to any surplus water which may be available Provided that whenever and during such time as a shortage of water occurs the company shall only be required to pay for the water actually supplied to them And provided further that on being satisfied by the company that the necessity for the supply of the quantity of water hereinafter mentioned exists and will continue for a reasonable period the Council shall take such steps as may be reasonably necessary to secure that there shall be available to the company during the continuance of the provisions of this schedule a supply of water of one hundred and fifty thousand gallons per day if a supply of that quantity and the supply required for domestic purposes in the limits of supply and required by the rural district councils of Shifnal and Newport can be obtained from the Sheriff Hales pumping station.

16. The company shall not without the consent in writing of the Council supply water delivered to them by the Council under the provisions of this schedule to any authority company or person nor (without the like consent) assign the rights given by this schedule to any authority company or person except to a transferee of the company's undertaking within the limits of supply.

17. The provisions of this schedule shall continue in force until the thirty-first day of March one thousand nine hundred and forty-six and may from time to time be varied by agreement between the Council and the company Provided that the supply to be given hereunder may be forthwith determined by the Council by notice in writing given by them to the company or left at the company's registered office in the event of the company making default in payment of any sums due from them to the council for twenty-eight days after the same shall have become due and payment has been demanded or in case any resolution shall be passed or order made for the compulsory winding up of the business of the company or of any of their assigns or in case of their assigns (not being a company) becoming bankrupt or making a composition with his or their respective creditors or otherwise becoming subject to the bankruptcy laws for the time being in force.

18. Any dispute or difference which may arise between the Council and the company with reference to the meaning or effect of this schedule or the rights or liabilities of either party hereunder shall be referred to an arbitrator to be appointed (in default of agreement) by the President for the time being of the Institution of Civil Engineers on the application of either party hereto and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

FOURTH SCHEDULE.

Form of Mortgage.

By virtue of the Oakengates Urban District Council Act 1925 and of other their powers in that behalf them enabling the Oakengates Urban District Council (hereinafter called "the Council") in consideration of the sum of
pounds paid to the treasurer of the Council
by (hereinafter called "the mortgagee")
do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of
pounds shall be fully paid and satisfied with interest for the

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same (subject as hereinafter provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned] [on the day of and the day of in each year] And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the said district [(subject as hereinafter provided) on the day of one thousand nine hundred and]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and .

THE ENDORSEMENT WITHIN REFERRED TO.

The within named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE. A.D. 1925.

I [the within named]
[of]
in consideration of the sum of
pounds paid to me by
of
(hereinafter called " the transferee ") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the Oakengates Urban District Council bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and .

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