CHAPTER xviii.

An Act to confer further powers on the mayor aldermen and burgesses of the borough of Ossett with respect to the supply of water and for other purposes. [31st May 1922.]

A.D. 1922.

WHEREAS the borough of Ossett (hereinafter referred to as "the borough") in the west riding of the county of York is a municipal borough under the management and local government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

And whereas the Corporation are the owners of an undertaking whereby the borough is supplied with water obtained by agreement in bulk from the Dewsbury and Heckmondwike Waterworks Board:

And whereas the demands for water within the borough are increasing and are likely to increase and it is expedient that provision be made for augmenting the water supply of the Corporation from the sources of supply under the Pildacre estate in the borough and that the Corporation be authorised to construct the waterworks by this Act authorised and that such other provisions be made and powers granted to the Corporation in relation to the supply of water as are in this Act contained:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas estimates have been prepared by the Corporation for the purchase of lands and easements

[*Price* 1*s.* 3*d. Net*] A 1

A.D. 1922.

and for the execution of the works by this Act authorised and such estimates are as follows:—

	£
For the acquisition of lands and easements	3,045
For the construction of the pumping station (Work No. 1) by this Act authorised	2,520
For pumping machinery and plant thereat	23,467
For the other works by this Act authorised	19,635

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof 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:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and plans showing the lands which the Corporation may acquire under the powers of this Act and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same were in the month of November one thousand nine hundred and twenty-one deposited with the clerk of the peace for the west riding of the county of York which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

Short and collective titles.

1.—(1) This Act may be cited as the Ossett Corporation (Water) Act 1922.

(2) The Ossett-cum-Gawthorpe Local Board Act 1875 the Ossett Order 1898 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1898 so much as relates to the supply of water of the Ossett Order 1900 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1900 the Ossett Order 1905 confirmed by the Local Government Board's Provisional Orders Confirmation

(No. 4) Act 1905 and Part III. of the Ossett Corporation Act 1914 and so much of the preamble to and the other parts of that Act as relate to Part III. thereof and this Act may be cited together as the Ossett Corporation (Water) Acts 1875 to 1922.

Incorporation of Acts.

2. 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 hereby incorporated with this Act (namely) :—

(1) The Lands Clauses Acts with the following exception and modification :—

(A) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(B) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section :

(2) The Waterworks Clauses Act 1847 except :—

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

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

(C) Section 83 (with respect to the yearly receipt and expenditure of the undertakers) :

(3) The Waterworks Clauses Act 1863 :

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and also section 16 (Works to be executed) of that Act :

Provided that in the said provisions of the Railways Clauses Consolidation Act 1845 " the Company " shall mean the Corporation " the railway " shall mean the works by this Act authorised and " the centre of the railway " shall mean the centre lines as shown on the deposited plans of the line or lines of pipes by this Act authorised.

A.D. 1922.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And—

"The borough" means the borough of Ossett;

"The Corporation" means the mayor aldermen and burgesses of the borough;

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

"The waterworks" means the waterworks and the works in connection therewith by this Act authorised;

"The water undertaking" means the water undertaking of the Corporation as authorised by the former Acts and by this Act;

"The former Acts" means the unrepealed provisions of the Ossett Corporation (Water) Acts 1875 to 1922 other than this Act;

"The Act of 1900" and "the Act of 1914" mean respectively the Ossett Corporation Gas Act 1900 and the Ossett Corporation Act 1914;

"The arbitrator" means the arbitrator to whom any question of disputed purchase money or compensation under the Acquisition of Land (Assessment of Compensation) Act 1919 is referred.

Power to make waterworks.

4. Subject to the provisions of this Act the Corporation may in the parish and borough of Ossett in the west riding of the county of York and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections make and maintain the following works (that is to say):—

Work No. 1 A pumping station (to be called "the Pildacre pumping station") to be situate in the enclosure numbered 596 on the $\frac{1}{2500}$ Ordnance map Yorkshire (West Riding) sheet CCXLVII 4 2nd edition 1907 at over or near to the existing shafts or bores sunk in that enclosure;

Work No. 2 A line or lines of pipes commencing in the pumping station Work No. 1 at or near the shafts or bores above described and terminating

in the water tower Work No. 3 hereinafter described;

Work No. 3 A water tower adjoining the existing Gawthorpe Reservoir of the Corporation;

and in connexion with Work No. 1 the Corporation may deepen the said shafts or bores or either of them to such extent as may be necessary or expedient for the purpose of obtaining water thereby.

In addition to the foregoing works the Corporation may under or on any lands belonging to them or acquired under this Act or over or under which they may obtain the necessary rights or easements drive such planes levels adits sumps waterways airways and other underground works and conveniences from at or in the shafts and bores aforesaid (as well before as after the same shall have been deepened) and make and maintain all such buildings machinery works and apparatus as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any of them or required for any of the purposes of the water undertaking but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

5. Subject to the provisions of this Act in the construction of the waterworks the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding thirty feet upwards in the case of Work No. 1 and Work No. 3 and in all cases to any extent downwards.

Application of Waterworks Clauses Act 1847 to aqueducts and telephones.

6. Subject to the provisions of this Act the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply with the necessary modifications to the construction laying down erection and maintenance in any street or road of the line or lines of pipes authorised by this Act and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised

A.D. 1922.

to lay down or erect for the purposes of the water undertaking:

Provided that any telephone or telegraph posts wires conductors or apparatus laid down or erected by the Corporation under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869:

Provided also that the powers of this section shall not be exercised in respect of any works or bridges of the London and North Western Railway Company in the borough without the previous consent in writing of that company which shall not be unreasonably withheld.

Power to maintain and alter works and to take and use waters.

7. Subject to the provisions of this Act the Corporation may alter improve enlarge extend renew or discontinue all or any of the waterworks and may take use and appropriate for the purposes of the waterworks and the water undertaking all waters found in on or under any of the lands numbered one to fourteen inclusive on the deposited plans and for the time being belonging to the Corporation.

Treatment of water.

8.—(1) All water supplied by the Corporation for domestic purposes from the Pildacre pumping station Work No. 1 by this Act authorised shall be so softened or otherwise treated as to make the same fit for domestic use.

(2) Once in every quarter of every year after the date from which they commence to supply water for domestic purposes from the Pildacre pumping station the Corporation shall cause to be made chemical and bacteriological analyses of (A) the water taken at that pumping station and (B) the water distributed in the borough for human consumption and shall furnish copies thereof to the Minister of Health.

Limiting powers of Corporation to abstract water.

9. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Temporary discharge of water into streams.

10.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any water-

works of the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse: A.D. 1922.

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud or solid or offensive matter.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

Waterworks to form part of water undertaking.

11. Subject to the provisions of this Act the waterworks shall for all purposes whatsoever (inclusive of water rents rates and charges) be deemed part of the water undertaking as if they had been authorised by or included or referred to in the former Acts.

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

12.—(1) For the purpose of protecting any of their waters and waterworks against pollution fouling contamination nuisance encroachment or injury the Corporation may by agreement purchase acquire and take on lease any lands and may hold such lands and any other lands which they may have acquired for the purposes of the water undertaking or are by this Act authorised to acquire so long as they shall deem it necessary or expedient for those purposes Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section or erect any buildings thereon except offices store-houses and dwelling-houses for persons in their employment in connexion with the water undertaking and such buildings and works as may be incident to or connected with that undertaking.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and

A.D. 1922.

according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Power to acquire lands.

13. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for or in connexion with the waterworks.

Corporation may acquire easements only in certain cases.

14.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

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

(3) Nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Persons under disability may grant easements &c.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect

to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1922.

Limit of time for compulsory purchase of lands.

16. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Compensation in case of recently acquired interest.

17. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the arbitrator shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the tenth day of November one thousand nine hundred and twenty-one if in the opinion of the arbitrator the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

For protection of Great Northern Railway Company.

18. The following provisions for the protection of the Great Northern Railway Company (hereinafter in this section called "the Company") shall unless otherwise agreed between the company and the Corporation in writing under their respective common seals apply and have effect:—

(1) The expression "Great Northern property" where used in this section shall include any land railway siding work or convenience belonging or leased to the company:

(2) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not except as in this section provided enter upon take hold or use any Great Northern property:

(3) The Corporation may purchase and take and if required so to do the company shall sell and grant according to their estate and interest in and subject to all easements rights and covenants affecting Great Northern property an easement or right of constructing and maintaining Work No. 2 in Great Northern property as the same is according to this Act to be constructed:

A.D. 1922.

(4) The consideration to be paid for any easement or right to be acquired by the Corporation under the preceding subsection shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement:

(5) Work No. 2 by this Act authorised and all works connected therewith where the same will be constructed on or over the bridge carrying the road known as Pildacre Lane over the company's Chickenley Heath Branch Railway or will otherwise affect Great Northern property shall be constructed and maintained so as not to interfere with the structure of the said bridge or to impair the strength in relation to traffic or carrying capacity of such bridge and in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the engineer of the company (hereinafter called "the engineer") and all such works shall be constructed and (except in case of emergency) repaired in such manner and at such times as shall be submitted to and previously approved by the engineer and under his superintendence (if the same be given) and to his reasonable satisfaction Provided that if the engineer does not express his approval of such plans sections and specifications within fourteen days after their submission to him he shall be deemed to have disapproved thereof The Corporation shall give to the engineer except in cases of emergency not less than fourteen days' notice in writing before commencing to execute any works of construction or repair over or affecting Great Northern property:

(6) If and when the company shall in exercise of their existing powers require to reconstruct alter widen or repair the said bridge the Corporation shall give to the company all proper and reasonable facilities for such purpose and any additional cost which the company may reasonably be put to or incur in such reconstruction alteration widening or repair by reason of the

existence of Work No. 2 across the said bridge shall be from time to time repaid to the company by the Corporation :

(7) If owing to or by reason of the execution user or failure of the said works of the Corporation or any act or omission of the Corporation or of their contractors or any person in the employment of the Corporation or of their contractors or any person in the employment of the Corporation or of their contractors or otherwise any railway or work belonging to the company shall be injured or damaged such injury or damage shall be forthwith made good by the Corporation at their own expense or in the event of their failing so to do the company may make good the same and the reasonable expense thereof shall be repaid to the company by the Corporation on demand and the Corporation shall indemnify the company against all losses which the company may sustain and shall pay all costs charges and expenses which the company may reasonably be put to or incur owing to or by reason of the execution user or failure of any of the said works of the Corporation or any act or omission of the Corporation or of their contractors or of any person in the employment of the Corporation or their contractors or otherwise :

(8) If any difference shall arise between the Corporation and the company under this section the same shall be determined by an arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice to the other.

Power to take additional lands by agreement.

19. The Corporation in addition to any land which they otherwise acquire by virtue of this Act 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 amount 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 Corporation may deem necessary for those purposes and the Corporation on any lands acquired under this section may execute for the

A.D. 1922.

purposes of or in connexion with the water undertaking any of the works (other than wells and works for taking and intercepting water) and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 Provided that the Corporation shall not create or permit a 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.

Dwelling-houses for employees and other buildings.

20. The Corporation may purchase or take on lease and maintain houses and buildings for persons in their employment in connexion with the water undertaking and offices and other buildings for the purposes of that undertaking and they may also erect maintain and let any such buildings upon any lands for the time being belonging or leased to the Corporation for those purposes.

Retention and disposal of lands.

21. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale or exchange either in consideration of the execution of works or of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or held by them for the purposes of or in connexion with or as part of the water undertaking and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Reservation of water rights &c.

22. The Corporation on selling any lands held by them for the purposes of the water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions

restrictions and provisions with respect to 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.

Proceeds of sale of surplus lands.

23.—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation 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 Ministry of Health.

(2) Provided that—

(A) 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;

(B) 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.

Price of supply by meter.

24. As from the usual quarter day next following the passing of this Act the price to be charged by the Corporation for a supply of water by meter shall not exceed two shillings per thousand gallons and as from that day section 32 of the Act of 1914 is hereby repealed.

Supply to houses partly used for trade &c.

25.—(1) The Corporation shall not be bound to supply with water otherwise than by measure—

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

Any workhouse hospital asylum (whether public or private) sanatorium school club hotel public-

A.D. 1922.

house or inn or any public institution which is habitually occupied by at least twelve persons.

(2) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate calculated on the gross estimated rental thereof.

(3) The minimum quarterly charge for a supply of water by meter to any of the premises in this section mentioned shall be one-fourth of the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same gross estimated rental.

(4) Section 31 of the Act of 1914 is hereby repealed.

Cisterns to be provided for high level supplies.

26. The Corporation may require that any dwelling-house erected after the passing of this Act and situate on land at a higher level than fifty feet below the service reservoir from which a supply of water is furnished by them to such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such dwelling-house for a period of twenty-four hours and the Corporation shall not be required to supply any such dwelling-house until the same is provided with a cistern or cisterns in conformity with the requirements of this section.

Power to Corporation to repair communication pipes.

27. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances of the case without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expenses incurred by the Corporation for the purpose of ascertaining the injury or defect and executing the repairs (including the expenses of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation 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 in like manner as the water rates in respect of the premises are recoverable Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the owner or occupier of such house or premises not less than twenty-four hours' previous notice of their intention so to enter.

Section 25 of the Act of 1914 is hereby repealed.

Penalty for closing valves and apparatus.

28. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation 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.

Contracts for supply of water in bulk.

29. The Corporation and any local authority company or person authorised to supply water under Parliamentary powers in any district adjacent to the limits within which the Corporation are for the time being authorised to supply water may enter into and carry into effect contracts for the supply by one of the contracting parties to the other of water in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract to lay any mains or interfere with any street beyond their respective limits for the supply of water Provided that the Corporation shall not supply water under any such contract so as to interfere with the supply of water within the limits aforesaid.

Power to borrow.

30.—(1) The Corporation 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 they shall pay off

A.D. 1922.

all moneys so borrowed within the respective periods mentioned in the third column thereof namely:—

1. Purpose.	2. Amount.	3. Period.
	£	
For the acquisition of lands and easements.	3,045	Sixty years from the date or dates of borrowing.
For the construction of the pumping station (Work No. 1).	2,520	Thirty years from the date or dates of borrowing.
For pumping machinery and plant thereat.	23,467	Fifteen years from the date or dates of borrowing.
For the other works by this Act authorised.	19,635	Thirty years from the date or dates of borrowing.
For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) The Corporation may also with the consent of the Ministry of Health borrow such further money as may be necessary for any of the purposes of this Act and any money so borrowed shall be repaid within such period as may be prescribed by the Ministry.

(3) All moneys borrowed under this section and the interest thereon shall be primarily charged on the revenue of the water undertaking and the district fund and general district rate but the provisions of this subsection shall not limit the powers conferred upon the Corporation by section 117 (Power to use one form of mortgage for all purposes) of the Act of 1914.

As to mortgages of Corporation.

31.—(1) All mortgages from time to time granted by the Corporation under this Act shall rank together without any priority on account of the dates of the respective mortgages or on any other account and notice to the effect of this enactment shall be endorsed on every such mortgage.

(2) Subject to the provisions of section 117 (Power to use one form of mortgage for all purposes) of the Act

of 1914 the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :— A.D. 1922.

Section 236 (Form of mortgage) :
Section 237 (Register of mortgages) :
Section 238 (Transfer of mortgages).

Power to borrow under Local Loans Act 1875.

32.—(1) The Corporation if they think fit may borrow or reborrow any moneys which they are by this Act authorised to borrow or re-borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or annuity certificates or partly in one way and partly in another.

(2) Any moneys borrowed or re-borrowed in manner authorised by this section for any of the purposes of this Act shall be primarily charged upon and shall be paid out of the revenue of the water undertaking and the district fund and general district rate.

(3) Every such loan shall be discharged within the period prescribed for the repayment thereof.

(4) Section 45 of the Act of 1900 (so far as the same is incorporated in this Act) and section 122 of the Act of 1914 shall apply to any sinking fund provided by the Corporation for the repayment of any moneys so borrowed by them under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

Application of provisions of Acts of 1900 and 1914.

33. The following provisions of the Act of 1900 and of the Act of 1914 shall with any necessary modifications extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely) :—

Of the Act of 1900 :—

Section 41 (Certain regulations of Public Health Act as to borrowing not to apply);
Section 45 (Sinking fund) subsections (1) to (11) both inclusive;
Section 47 (Protection of lender from inquiry);
Section 48 (Corporation not to regard trusts);
Section 49 (Application of money borrowed);
Section 51 (Saving for existing charges);
Section 56 (Inquiries by Local Government Board);

A.D. 1922.

Of the Act of 1914:—

Section 110 (Mode of payment off of money borrowed);

Section 111 (Receipt in case of persons not sui juris);

Section 113 (Audit of accounts);

Section 122 (Return to Local Government Board as to sinking funds);

Section 144 (Recovery of penalties &c.);

Section 145 (Recovery of demands);

Section 147 (Penalties to be paid over to treasurer);

Section 148 (Damages and charges to be settled by court);

Section 149 (Application of section 265 of Public Health Act 1875);

Section 150 (Saving for indictments);

Section 151 (Compensation how to be determined);

Section 152 (Judges not disqualified);

Section 153 (Powers of Act cumulative):

Provided that for the purposes of section 45 of the Act of 1900 in its application to this Act each of the periods mentioned in the section of this Act of which the marginal note is "Power to borrow" shall be "the prescribed period" and that section shall be read and have effect as if the words "a rate not exceeding three pounds ten shillings per centum per annum or such higher rate as the Ministry of Health may from time to time approve" were inserted therein in lieu of the words "a rate not exceeding three per centum per annum" and provided that section 56 of the Act of 1900 shall be read and have effect in its application to this Act as if the words "not exceeding three guineas a day" were omitted therefrom.

Informations by whom to be laid.

34. Save as otherwise by this Act expressly provided all informations and complaints under or in respect of the breach of any of the provisions of this Act may be laid and made by any officer of the Corporation authorised in that behalf or by the town clerk.

Costs of Act.

35. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the revenue of the water undertaking or the district fund and general district rate or out of money to be borrowed under the powers of this Act for the purpose.

Printed by EYRE and SPOTTISWOODE, LTD.,
FOR
WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased through any Bookseller or directly from
H.M. STATIONERY OFFICE at the following addresses:
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C. 2, and 28, ABINGDON STREET, LONDON, S.W. 1;
37, PETER STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT, CARDIFF;
or 23, FORTH STREET, EDINBURGH.