CHAPTER xxiv.

An Act to extend the powers of the Mayor Aldermen and Citizens of Oxford with respect to their supply of Water; and for other purposes. [21st May 1885.]

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WHEREAS the mayor aldermen and citizens of Oxford (in this Act called "the Corporation") have for upwards of seventy years possessed waterworks and supplied the said City with water drawn directly or indirectly from the River Thames or Isis:

And whereas at and before the passing of the Act herein-after recited the waterworks of the Corporation comprised and still comprise inter alia a piece of land covered with water called the Hincksey Lake situate in the parish of South Hincksey in the county of Berks supplied with water both by percolation or springs and by a stream which primarily derives its water from the River Thames or Isis and certain pumping and other works and lands adjacent to the said lake:

And whereas by the Oxford (Corporation) Waterworks Act 1875 (in this Act referred to as "the Act of 1875") the powers of the Corporation with respect to their waterworks undertaking and generally for the supply of water were defined and the limits within which they might supply the same were prescribed: 38 & 39 Vict. c. xli.

And whereas it is expedient that the said limits of supply be extended:

And whereas it is expedient that the Corporation be authorised to construct the works herein-after described to increase their supply of water:

And whereas it is expedient that the Corporation be authorised to borrow on the security of the revenue of their water undertaking and of the borough fund the moneys requisite for the purposes of this Act:

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimates are fifty thousand pounds:

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and the lands to be taken for the purposes thereof and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with respect to lands situate in the county of Oxford with the clerk of the peace for that county and with respect to lands situate in the county of Berks with the clerk of the peace for that county and the said documents are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas an absolute majority of the whole number of the council at a meeting held on the 17th day of December 1884 after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Oxford Chronicle" and "Oxford Times" local newspapers published and circulating in the City such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund:

And whereas such resolution was published twice in the "Oxford Chronicle" and "Oxford Times" newspapers circulating in the City and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the 2nd day of February 1885 being not less than fourteen days after the deposit of the Bill in Parliament:

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

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

Short title.

1. This Act may be cited as the Oxford (Corporation) Waterworks Act 1885 and this Act and the Act of 1875 may be cited

together as the Oxford (Corporation) Waterworks Acts 1875 and 1885.

Act of 1875 and this Act to be construed together.

2. The Act of 1875 as amended by this Act and this Act shall be construed and have effect together as one Act as though the purposes of this Act were purposes of the Act of 1875.

Incorporation of Acts.

3. The following Acts and parts of Acts (that is to say):

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 herein-after referred to as "the Lands Clauses Acts";

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profits to be received by the undertakers when the waterworks are carried on for their benefit and with respect to mines and except 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 the 44th section of that Act);

The Waterworks Clauses Act 1863; and

The provisions of the Commissioners Clauses Act 1847 with respect to mortgages (except section 84);

so far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. Unless the subject or context otherwise requires In this Act—

"The City" means the City of Oxford;

"The Corporation" means the mayor aldermen and citizens of the City;

"The council" means the council of the City;

"The town clerk" means the town clerk of the City;

"The borough fund" means the borough fund of the City;

"Water revenue" means and includes all moneys received by the Corporation for or in respect of or incidental to the supply of water by the Corporation;

"The water undertaking" means the waterworks undertaking of the Corporation.

In the Commissioners Clauses Act 1847 for the purposes of this Act—

"The Commissioners" means the Corporation;

"The clerk to the Commissioners" means the town clerk.

In this Act and for the purposes of this Act in enactments incorporated herewith—

The term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was

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a simple contract debt and not a debt or demand created by statute and the term "superior courts" shall include a county court and any court of competent jurisdiction.

Extension of limits for supply of water.

5. The limits within which the Corporation may supply water shall extend to and include in addition to the City parishes and parts of parishes mentioned in the Act of 1875 the following parishes (that is to say) Marston in the county of Oxford and North Hincksey in the county of Berks and the Corporation for the purposes of such supply may within the limits so extended exercise all or any the powers rights privileges and authorities which they now have or may exercise within the limits of the Act of 1875 under the powers of that Act as extended and amended by this Act.

Provisions for sale of portions of undertaking to sanitary authorities.

6. If at any time after the passing of this Act any sanitary authority whose district or any part thereof is at the passing of this Act beyond the limits of the Corporation for the supply of water but within the extension of those limits made by this Act shall give not less than six months notice in writing to the Corporation of their desire to purchase such portion of the water undertaking of the Corporation as is contained within such district and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the undertaking of the Corporation (except the lands wells streams adits waters waterworks mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of supply of the Corporation) and to supply water within such district then it shall not be lawful for the Corporation to oppose such application (except as to the details thereof) and if such powers of purchase be granted the Corporation shall sell and such sanitary authority shall purchase such portion of the undertaking of the Corporation (except as aforesaid) within the district of such sanitary authority at such price and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts. Provided that after the completion of such purchase all obligations on the part of the Corporation to supply water within such district shall cease and determine.

The proceeds of any sale under this section shall be applied by the Corporation towards the extinguishment of any loan raised under the powers of this Act such extinguishment to be in addition to and not in substitution for the other provisions for that purpose in this Act contained.

Power to make works and take lands &c.

7. Subject to the provisions of this Act the Corporation may make and maintain in the lines or situations and according to the

levels shown on the deposited plans and sections the main pipe or aqueduct and other works shown on the deposited plans with all proper approaches works and conveniences connected therewith and may enter on take and use such of the lands described in the deposited plans and books of reference as they require for the purposes of their waterworks. The works by this Act authorised comprise the following principal works:

A main pipe or aqueduct to commence at or in the River Thames or Isis and to terminate in the existing waterworks of the Corporation situate at South Hincksey together with all inlets outlets cocks valves and other apparatus necessary for the proper use thereof.

Provided that such main pipe or aqueduct shall not for the purposes of this Act exceed twenty-four inches in diameter and shall not hereafter be increased or otherwise added to without the previous consent of Parliament.

Limits of deviation.

8. In the construction of the waterworks authorised by this Act the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon and when in any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may except where crossing any railway lands works or property of the Great Western Railway Company deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards.

Power to divert waters.

9. The Corporation may divert into and collect and impound and take pump use and appropriate for the purposes of their water undertaking all waters now taken and used by them and also so much of the waters of the River Thames or Isis by means of the said main pipe or aqueduct as they shall from time to time require for the purposes of their undertaking.

For the protection of the Conservators of the River Thames.

10. For the protection of the Conservators of the River Thames (in this section called "the Conservators") the following provisions shall have effect (that is to say):

Works on the River Thames to be executed under the direction of the Conservators of the River Thames.

(1.) The intake works of the main pipe or aqueduct by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed according to a plan and elevation to be submitted to and to be subject to the reasonable approval of the Conservators of the River Thames and deposited at their office and the works in the River Thames shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators and the traffic

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of the said River Thames shall not be interfered with more than may be absolutely necessary in the construction of the intake works and the works connected therewith and the Corporation shall as soon as may be after the completion of the works or their failing within fourteen days after notice from the Conservators so to do remove any materials for temporary works which may have been placed in the river by the Corporation and on their failing to do so the Conservators may remove the same charging the Corporation with the expense of so doing and the Corporation shall forthwith repay to the Conservators all expenses so incurred.

Corporation not to interfere with the bed of the river.

(2.) Nothing in this Act contained shall authorise or empower the Corporation to embank or encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof except according to the plan to be submitted to and approved by the Conservators or in case of difference with respect to the said plan according to such other or amended plan as shall be settled by two justices. Provided that if the Conservators for the space of one month fail to signify their disapproval of the plan so submitted they shall be deemed to have approved thereof.

Corporation not to commence any work on shore of Thames until notice given to Conservators.

(3.) The Corporation shall not make or commence any work on the shore or bed of the River Thames without the consent of the Conservators until the expiration of one calendar month after notice to the Conservators.

Corporation not to take gravel &c. from river without consent of Conservators.

(4.) The Corporation shall not (except as far as shall be necessary in the construction of the intake works and the works connected therewith) take any gravel soil or other material from the bed of the river without the previous consent of the Conservators signified in writing under the hand of their Secretary.

Saving rights of the Conservators.

(5.) Except as herein expressly provided nothing contained in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the Conservators or to prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of the passing of this Act the said Conservators did or might lawfully claim use or exercise and nothing in this Act contained shall operate to compel the Conservators to maintain a certain weir called King's Weir at a level of more than $192\frac{1}{2}$ feet above Ordnance datum and in case the Conservators shall not require to continue the use of the said weir for the purposes of the navigation or otherwise then the Corporation shall from time to time repay to the Conservators any expenses to which the Conservators may be put in maintaining such weir.

(6.) Nothing in this Act contained shall prevent the Conservators from dredging to a depth of 176 feet above Ordnance datum in the backwaters of the River Thames between the four streams and the railway bridge below Osney Lock.

For protection of Great Western Railway Company.

11. For the protection of the Great Western Railway Company herein-after referred to as the Great Western Company the following provisions shall apply—

(*a*) Where any pipe conduit or aqueduct is to be carried under the railway or works of the Great Western Company the same shall be carried in a culvert to be constructed under the said railway and works and in laying down or executing or effecting the repairs or renewals of any mains pipes or other works in the exercise of the powers contained in this Act upon across over under or in any way affecting the lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works or any level crossings over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him or in the event of such engineer and the engineer of the Corporation not agreeing then in such manner as shall be determined by an engineer to be appointed by the Board of Trade on the application of either the company or the Corporation and the decision of such engineer shall be final and conclusive between both parties;

(*b*) All such works shall be done by and at the expense of the Corporation who also shall restore and make good the roads over any bridges level crossings and approaches which the Great Western Company are or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the Corporation;

(*c*) All such works and operations and all matters incidental thereto shall be constructed executed and done so as not to cause any injury to such railways bridges level crossings approaches viaducts stations works lands or property or interruption to the passage or conduct of traffic over such railways or at any station thereon;

(*d*) If any such injury or interruption shall arise from or in any way be owing to any of the works operations and matters aforesaid or the bursting leakage or failure of any such mains pipes or culverts in under or near to any bridge embankment or

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level crossing the Corporation shall make compensation to the Great Western Company in respect thereof the amount of such compensation together with full costs to be recoverable by the Great Western Company from the Corporation by all and the same means as any simple contract debt is recoverable;

(*e*) The Corporation shall also pay to the Great Western Company for any easement to be acquired by them upon across over or under any of the railways works lands or property of the Great Western Company such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement and for the purposes of such arbitration the easement so to be taken shall be deemed to be lands;

(*f*) In cases of emergency the Corporation may commence such works as may be necessary for the maintenance or repair of any works of the Corporation and shall submit such plans and obtain the approval thereto of the principal engineer of the Great Western Company and otherwise comply with the provisions of this section as aforesaid as soon thereafter as practicable;

(*g*) If any difference arise between the Corporation and the Great Western Company touching this section the settlement of which is not otherwise provided for the same shall be settled by an engineer to be appointed (unless agreed on) on the application of either of the said parties by the president for the time being of the Institution of Civil Engineers and the costs of and incident to the arbitration shall be borne and paid as he shall direct.

Not to take lands or interfere with railway of Great Western Railway Company.

12. Notwithstanding anything herein or in the incorporated Acts contained it shall not be lawful for the Corporation nor any person acting under or in execution of this Act to enter upon or occupy or use either permanently or temporarily any of the lands works or property of the Great Western Company or in any manner to alter vary or interfere with their railway or works without the consent of that Company under their common seal but the Corporation may for the purposes of laying their conduit or pipe purchase and take and the Great Western Company may and shall grant an easement or right of using the said lands and property for the purpose of the said conduit or pipe.

Limit of time for compulsory purchase of lands.

13. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take additional lands by agreement.

14. The Corporation may from time to time for the purposes of this Act take by agreement and hold in addition to the lands which they are authorised to take by compulsion any lands within the limits of this Act not exceeding in the whole at one time ten acres but no buildings shall be erected on such lands except buildings required in connection with the waterworks of the Corporation.

Consideration for such acquisition.

15. The consideration for any such acquisition may be either money or land or any yearly sum or rentcharge or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange.

Restriction on taking houses of labouring classes.

16. The Corporation shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to take easements &c.

17. Persons empowered by the Lands Clauses Consolidation Act 1845 or otherwise enabled to convey or release lands may subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Corporation for the purposes of this Act or of the Act of 1875 any term estate easement interest right or privilege (not being an easement of water) in over affecting or belonging to such lands at a yearly rent or otherwise and the provisions of those Acts with respect to lands and rentcharges shall so far as the same are applicable in that behalf extend and apply to such grants easements rights and privileges.

Period for completion of works.

18. If the waterworks shown on the deposited plans and authorised by this Act are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing any work not so completed or in relation thereto shall cease to be exercised except as to any part thereof then completed but nothing in this section

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shall restrict the Corporation from extending enlarging altering or removing any of their engines machinery mains or pipes or improving their supply of water at any time and from time to time as occasion requires subject to the provisions of this Act.

As to regulations for preventing waste.

19. The regulations made by the Corporation under the Act of 1875 may amongst other things prescribe the size nature materials workmanship and strength of the pipes cocks ball-taps ferrules pans water-closets baths cisterns and other fittings apparatus and receptacles whatsoever used or to be used for the reception storage or use of water supplied by the Corporation and may forbid any arrangements and the use of the several things before-mentioned or any of them which may lead to the waste misuse undue consumption or contamination of the water of the Corporation and may also provide for the guidance and control of plumbers and other workmen employed in or about the fittings and apparatus connected with the supply and delivery of the water.

Supply to colleges &c. to be by meter.

20. The Corporation shall not be bound to supply water to any colleges halls barracks hospitals lunatic asylums workhouses reformatories or gaols or any public institutions otherwise than by meter and measurement and the Corporation may charge therefor according to the scale for meter supplies for the time being in use in the City of Oxford but in no case exceeding one shilling per one thousand gallons.

Recovery of water rents.

21. In case any person who shall have been supplied with water by the Corporation or who shall be liable to payment in respect of a supply of water or in respect of the rent for any meter provided by the Corporation shall neglect or refuse to pay the amount due in respect of such supply or meter rent for the space of fourteen days after demand thereof by the Corporation their agent or collector any justice having jurisdiction where such person shall then reside or where such water shall have been supplied or meter rented may issue his summons to such person requiring him to appear before two justices having jurisdiction as aforesaid at a time and place named in such summons then and there to show cause why the sum so demanded should not be paid and if on the appearance of such person or in default of appearance after proof of the service of the summons either personally or at the last known place of abode or of business of such person no sufficient cause shall be shown to the contrary such two justices may issue their warrants of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justices to be due from such person together with such costs as to such justices shall appear just and reasonable.

Power to borrow.

22. The Corporation may from time to time borrow

(1.) For paying the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act the sums requisite for that purpose; and

(2.) For the execution of the works by this Act authorised and other the purposes of their water undertaking to which capital is properly applicable any sum or sums not exceeding in the whole fifty thousand pounds.

Power to mortgage water revenue and borough fund.

23. For securing any moneys which they are authorised to borrow or reborrow under the authority of this Act the Corporation may from time to time mortgage the net revenue of their water undertaking and the borough fund or either of such securities separately.

Period for discharge of borrowed moneys.

24. The Corporation shall out of the net revenue of their water undertaking and out of the borough fund discharge or make provision for the discharge of all moneys secured by mortgage under the authority of this Act by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly in one way and partly in the other within a period of sixty years from the time when such moneys are respectively borrowed.

Regulations as to sinking fund.

25. The following regulations shall be observed by the Corporation in relation to any sinking fund formed under this Act:—

(1.) Such equal yearly or half-yearly sums shall be paid by the Corporation out of the revenue or fund aforesaid into the sinking fund as being accumulated at compound interest at a rate not exceeding three and a half pounds per centum per annum would be sufficient to pay off the moneys borrowed or secured within such period not exceeding the period prescribed by this Act as the Corporation may in each case determine;

(2.) The first of such payments shall be made on the first day of January one thousand eight hundred and eighty-six;

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

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

(5.) Whenever any of such principal moneys have been so paid off the Corporation shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be paid into the fund a sum equivalent to the interest which would have been produced by the sinking fund or part of the sinking fund so applied;

(6.) Whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Power to borrow under Local Loans Act 1875.

26. (1.) The Corporation if they think fit in lieu of borrowing on the security of mortgages as herein-before provided may borrow the moneys which they are by this Act authorised to 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 debenture stock or annuity certificates or partly in one way and partly in another.

(2.) Any moneys borrowed in manner by this section authorised shall be a charge on the net revenue of the water undertaking and on the borough fund or one of them and such revenue and fund shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(3.) Every such loan shall be discharged within the period prescribed by this Act and such discharge or any part thereof may be effected by means of a sinking fund if the Corporation so think fit.

(4.) The first instalment in repayment of such loan or the first payment to any such sinking fund as the case may be need not be made until the first day of January one thousand eight hundred and eighty-six unless the Corporation otherwise think fit.

Power to reborrow.

27. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by means of equal yearly or half-yearly instalments appropriations or annual repayments or out of a sinking fund or the proceeds of the sale of surplus lands or of any portion of their water undertaking they may reborrow the same and so from time to time. Provided that for the purpose of

ascertaining the period within which and the manner in which any sum reborrowed is to be repaid and for the purpose of sections 14 and 15 of the Local Loans Act 1875 the sum reborrowed and the original loan shall be deemed to form the same loan.

As to redemption of rentcharges.

28. The provisions of this Act with respect to the repayment of borrowed moneys shall extend and apply mutatis mutandis to the redemption of any rentcharges created under the powers of this Act and for that purpose every such rentcharge capitalised after the rate of twenty-five years purchase shall be deemed to represent a mortgage of that amount.

Application of money borrowed.

29. All money borrowed under this Act shall be applied for purposes of this Act and of the water undertaking to which capital is properly applicable and not otherwise.

Priority of existing mortgages &c.

30. All mortgages granted by the Corporation on the like security or securities before the passing of this Act shall during their continuance have priority of charge on the property rate or other security therein comprised over all mortgages debentures or other securities granted or issued by the Corporation in exercise of the powers conferred by this Act on the Corporation.

Application of revenue.

31. The Corporation shall keep accounts in respect of their water undertaking separate from all their other accounts distinguishing therein capital from revenue and shall apply all money from time to time received by them on account of revenue in manner and in the order following (that is to say):

(1.) In payment of the working and establishment expenses (including any rentcharges payable for lands or easements) and cost of maintenance of their water undertaking;

(2.) In payment of their costs charges and expenses of and incidental to the collecting and recovering of water rents and rates;

(3.) In payment of interest on the mortgage debt of the Corporation created before the passing of this Act for the purposes of their waterworks undertaking and for the time being outstanding;

(4.) In providing the requisite instalments or sinking fund for repayment of the said last-mentioned mortgage debt;

(5.) In payment of the interest on moneys borrowed by the Corporation under or after the passing of this Act and for the time being outstanding;

(6.) In providing the requisite instalments or sinking fund for the repayment of moneys borrowed under or after the passing of this Act;

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(7.) In providing a reserve fund (if they think fit) by setting aside such money as they from time to time think fit and investing the same in any securities in which the Corporation are authorised to invest the sinking fund and accumulating the same at compound interest until the fund so formed amounts to five thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from the water undertaking or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of five thousand pounds and so from time to time as often as such reduction happens;

And the Corporation shall carry to the borough fund any balance remaining in any year (after making the several payments and appropriations above mentioned) and the annual proceeds of the reserve fund when amounting to five thousand pounds.

Deficiency in water account.

32. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon and the execution of this Act or the Act of 1875 in relation to the water undertaking the deficiency shall be made up out of the borough fund by carrying an adequate sum therefrom to the credit of the water account.

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

33. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment

or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Saving the rights of the chancellor masters and scholars &c.

34. Saving always to the chancellor masters and scholars of the University of Oxford and to all persons matriculated therein or being members thereof their rights and privileges of civil and criminal judicature and trial in the courts of the said University alone as the same have been granted by the charters of the said University and confirmed by divers Acts of Parliament and saving always to the chancellor masters and scholars of the said University and their successors the several bodies politic corporate collegiate or sole of the said University and their successors their respective rights privileges and franchises.

For protection of the Conservators of the River Thames.

35. Subject to the express provisions of this Act nothing in this Act contained shall alter diminish or affect the rights powers and interests of the Conservators of the River Thames nor shall the Corporation under the powers of this Act commence or construct any work whatever on the shore banks bed or towing-paths of the River Thames or Isis or of any tributary thereof until the expiration of one month after notice in writing to the Conservators and then only to the reasonable satisfaction of the engineer for the time being of the Conservators unless he shall fail to attend or to give directions with respect to the work within a reasonable time after receipt of the notice.

For the protection of the Thames Valley Drainage Commissioners.

36. Subject to the provisions of this Act nothing in this Act contained shall alter diminish or affect the rights powers and interests of the Thames Valley Drainage Commissioners nor shall the Corporation under the powers of this Act commence or construct any work whatever on the shore banks bed or towing-paths of the River Thames or Isis or of any tributary thereof until the expiration of one month after notice in writing to the Commissioners and then only to the reasonable satisfaction of the engineer for the time being of the Commissioners unless he shall fail to attend or to give directions with respect to the work within a reasonable time after receipt of the notice.

Saving rights of Corporation.

37. Nothing in this Act shall take away or abridge any of the rights powers or privileges of the Corporation.

Expenses of Act.

38. 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 the House of Commons be paid by the Corporation out of money borrowed for the purpose by them under this Act or out of the borough fund. Any money borrowed for this purpose shall be paid off within twenty years after the passing of this Act.

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