CHAPTER xlv.

An Act to empower the Plympton St. Mary Rural District Council to obtain a supply of water from the river Yealm and its tributaries in the county of Devon to authorise the construction of works and for other purposes. A.D. 1928.

[2nd July 1928.]

WHEREAS the rural district of Plympton St. Mary in the county of Devon is under the jurisdiction of the Plympton St. Mary Rural District Council (hereinafter referred to as "the Council") and it is the duty of the Council to see that the said district is supplied with water:

And whereas the district comprises nineteen parishes and under the provisions of the Public Health Acts the Council is supplying water within the parishes of Plympton St. Mary Plympton St. Maurice and Plymstock and works are in course of construction for the extension of this supply to the parishes of Brixton and Newton Ferrers and the Council is also supplying water within five further parishes by means of independent schemes from local sources within the respective parishes and of the remaining nine parishes six are within the limits for the supply of water of the Plymouth Corporation and three are at the present time without a public supply:

And whereas the existing sources of supply and the existing works of the Council are insufficient to satisfy

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the existing and growing demands upon the Council for water :

And whereas it would be of local and public advantage if the Council were empowered to obtain a further supply of water from the river Yealm and its tributaries in the parish of Cornwood and for that purpose to acquire lands and to make and maintain the works described in this Act :

And whereas it is expedient that further powers be conferred upon the Council in regard to the drainage of buildings by means of combined drains :

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

And whereas an estimate has been prepared by the Council for the purpose hereinafter mentioned and such estimate is as follows :—

	£
For the construction of the waterworks authorised by this Act - -	80,000

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

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Plympton St. Mary Rural District Council Act 1928.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Waterworks.
Part III.—Lands.
Part IV.—Supply of water.
Part V.—Combined drains.
Part VI.—Financial.
Part VII.—Miscellaneous.

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 hereby incorporated with this Act (that is to say):—

(1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 relating to the sale of superfluous lands:

Provided that the bond required by section 85 of the said Act of 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section:

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the following matters (that is to say):—

The construction of waterworks;

Mines;

The breaking up of streets for the purpose of laying pipes;

The provision for guarding against fouling the water of the undertakers:

(3) The provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers:

(4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway.

Interpretation

4.—(1) In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are

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"the Council" means the Plympton St. Mary Rural District Council;

"the district" means the rural district of Plympton St. Mary;

"the clerk" means the clerk of the Council;

"the Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

"the water undertaking" means the water undertaking of the Council authorised by this Act and includes as from the date when the Council commence to supply water by means of the works authorised by this Act the works and mains belonging to the Council in the parishes of Plympton St. Mary Plympton St. Maurice Plymstock Cornwood Brixton Yealmpton and Newton Ferrers and in any other parish in the district which may from time to time be supplied by the Council with water by means of the works authorised by this Act;

"gross value" has the meaning given to that expression by section 68 of the Rating and Valuation Act 1925 provided that until the first new valuation lists under the Rating and Valuation Act 1925 have come into force within the limits of supply the expression "gross value" shall be deemed to mean the gross estimated rental of the premises so supplied with water;

"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;

"the Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending the same;

"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;

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

(2) For the purposes of this Act the expressions "the promoters of the undertaking" "the company" and "the undertakers" in the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 shall be construed to mean the Council and the expression "the railway" shall be construed to mean so much of any aqueduct conduit line or lines of pipes by this Act authorised as shall not be constructed in a highway and "the centre of the railway" shall be construed to mean so much of such aqueduct conduit line or lines of pipes as aforesaid.

PART II.

WATERWORKS.

Power to make water works.

5.—(1) Subject to the provisions of this Act the Council may wholly in the district in the county of Devon

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and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 An intake and weir (No. 1) wholly in the parish of Cornwood to be constructed across the river Yealm at a point 15½ chains or thereabouts measured in a direct line in a north-easterly direction from the confluence of that river and the Broadall Lake;

Work No. 2 An intake and weir (No. 2) wholly in the said parish of Cornwood to be constructed across the Broadall Lake at a point 17 chains or thereabouts measured in a direct line in a north-westerly direction from the confluence of that lake and the said river Yealm;

Work No. 3 An intake and weir (No. 3) wholly in the said parish of Cornwood to be constructed across an unnamed tributary of the said Broadall Lake which said tributary falls into the said Broadall Lake on the south side thereof at a point 8 chains or thereabouts measured in a direct line from the confluence of that lake and the said river Yealm and which said intake and weir is intended to be constructed at a point 14 chains or thereabouts from the said confluence of the said river Yealm and the said Broadall Lake;

Work No. 4 A conduit or line or lines of pipes (No. 1) wholly in the said parish of Cornwood commencing in Work No. 1 and terminating at a point 2 chains or thereabouts measured in a direct line in a northerly direction from the confluence of the said Broadall Lake and the said river Yealm;

Work No. 5 A conduit or line or lines of pipes (No. 2) wholly in the said parish of Cornwood commencing at a point three-quarters of a chain or thereabouts north of the junction of the said Broadall Lake and its said unnamed tributary and terminating by a junction with Work No. 4 (Conduit No. 1) at its point of termination;

Work No. 6 A conduit or line or lines of pipes (No. 3) wholly in the said parish of Cornwood commencing in Work No. 2 and terminating by a junction with Work No. 5 (Conduit No. 2) at its point of commencement;

Work No. 7 A conduit or line or lines of pipes (No. 4) wholly in the said parish of Cornwood commencing in Work No. 3 and terminating by a junction with Work No. 5 (Conduit No. 2) at its point of commencement;

Work No. 8 A conduit or line or lines of pipes (No. 5) commencing in the said parish of Cornwood at the termination of Works Nos. 4 and 5 and terminating in the parish of Plympton St. Mary in Work No. 9 hereinafter described;

Work No. 9 A tank or service reservoir situate wholly in the said parish of Plympton St. Mary in the inclosure No. 388 on the $\frac{1}{2500}$ Ordnance map Devonshire sheet CXVIII 16 (edition of 1906);

Work No. 10 A conduit or line or lines of pipes (No. 6) situate wholly in the said parish of Plympton St. Mary commencing in Work No. 9 and terminating in the existing service tank of the Council at Plympton;

Work No. 11 A conduit or line or lines of pipes (No. 7) commencing in the said parish of Plympton St. Mary by a junction with Work No. 10 (Conduit No. 6) at the point where Sandy Lane joins the road from Plympton to Sparkwell passing through the parishes of Brixton and Yealmpton and terminating in the parish of Newton Ferrers at Gala Cross Roads;

Work No. 12 A conduit or line or lines of pipes (No. 8) situate wholly in the said parish of Brixton commencing by a junction with Work No. 11 (Conduit No. 7) at Hareston Cross Roads and terminating in the main road from Plymouth to Yealmpton at a point 7 chains or thereabouts east from St. Mary's Church;

Work No. 13 A tank situate wholly in the said parish of Brixton on the inclosure No. 498 on the $\frac{1}{2500}$ Ordnance map Devonshire sheet CXXIV 11 (edition of 1913).

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(2) In addition to the foregoing works the Council may upon the said lands make and maintain all such tanks filter beds overflows shafts tunnels adits bores aqueducts culverts conduits mains drains banks telegraphs telephones and other subsidiary works engines machinery plant buildings and apparatus as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any of them but nothing in this subsection shall exonerate the Council from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of deviation.

6. In the construction of the works authorised by this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where in any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits and they may also except where any of the said works will pass over or under the railway of any railway company in which case no such vertical deviation shall be made without the consent of the company deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards:

Provided that except for the purpose of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to take waters.

7. Subject to the provisions of this Act the Council may collect impound take use divert and appropriate for the purposes of their waterworks or for any purposes of this Act the waters of the rivers Yealm and the Broadall Lake and their respective tributaries and all such springs streams and waters as may be intercepted by the intakes and weirs Works Nos. 1 2 and 3 authorised by this Act or as may be situate or flowing upon any of the lands shown on the deposited plans as within the limit of land to be acquired for such works.

Period for completion of works.

8.—(1) If the works authorised by this Part of this Act are not completed within the period of ten years from the thirty-first day of December one thousand nine hundred and twenty-eight then on the expiration of that period the powers by this Act granted for the

making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. A.D. 1928.

(2) Provided that the Council may extend enlarge alter reconstruct renew or remove any of their works and plant and in the case of the conduits or lines of pipes authorised by this Act lay down additional lines of pipes as and when occasion may require.

Restrictions on taking water.

9.—(1) The Council shall not take any water from the river Yealm by means of Work No. 1 by this Act authorised except when water is flowing in the river immediately below the said Work No. 1 at a rate of not less than three hundred and fifteen thousand gallons in twenty-four hours.

(2) The Council shall not take any water from the Broadall Lake by means of Work No. 2 by this Act authorised except when water is flowing in the river immediately below the said Work No. 2 at a rate of not less than one hundred and thirty-seven thousand gallons in twenty-four hours.

(3) The Council shall not take any water from the southern tributary of the Broadall Lake by means of Work No. 3 by this Act authorised except when water is flowing in the river immediately below the said Work No. 3 at a rate of not less than forty-eight thousand gallons in twenty-four hours.

(4) The Council shall not in any one day of twenty-four hours upon which water is abstracted take from the said rivers Yealm Broadall Lake and the southern tributary of the Broadall Lake a greater total quantity of water than one million gallons.

(5) The Council shall take all reasonable steps to prevent any water from the said rivers Yealm and Broadall Lake and the southern tributary of the Broadall Lake passing into the tank or service reservoir (Work No. 9) authorised by this Act during such time as water is flowing over or through the overflow from the said tank or service reservoir.

(6) For the purpose of measuring the quantities of water taken by the Council from time to time under the provisions of this Act and for the purpose of measuring the quantities of water which by this section the Council are required to permit to pass down the said rivers the

A.D. 1928. Council shall before taking diverting or appropriating any such water erect and maintain at or near Works Nos. 1 2 and 3 by this Act authorised proper and sufficient automatically recording measuring gauges meters or orifices over or through which respectively the waters so taken diverted or appropriated and the waters so flowing shall pass.

(7) The said gauges and meters and the records obtained by means thereof shall be open to the examination of all persons interested in the flow of the said rivers including the Tamar and Plym Fishery Board or their duly accredited representatives and such persons or representatives as aforesaid may take copies of the said records if they so desire.

(8) The design of the said gauges or meters shall be such as may be agreed between the Minister of Agriculture and Fisheries and the Council or as failing such agreement shall be determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the said Minister or the Council.

(9) If after commencing to take water from the said rivers or any of them the Council shall be guilty of any breach of any of the provisions of this section they shall for every day on which such breach occurs forfeit and pay to each of the persons injuriously affected by such breach (including the Tamar and Plym Fishery Board of Conservators) who shall sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss or injury sustained by any such person.

(10) Before commencing to take water from the river Yealm or its tributaries by means of the works by this Act authorised the Council shall pay to the Minister of Agriculture and Fisheries the sum of one thousand pounds to be applied by him in conserving and improving the fisheries of the river Yealm.

(11) The Council shall be relieved of any obligation or liability under section 19 of the Salmon and Freshwater Fisheries Act 1923 to provide attach and maintain a fish pass or fish passes or similar apparatus in connection with any works by this Act authorised.

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Council may provide gauges.

10.—(1) The Council may provide place and maintain at any point or points in the river Yealm and the Broadall Lake and the southern tributary of the Broadall Lake and above or below the intakes authorised by the section of this Act of which the marginal note is "Power to make waterworks" such gauges and other apparatus for measuring the flow of the rivers as they may consider necessary.

(2) The said gauges shall be erected and maintained to the approval of the Minister of Agriculture and Fisheries and in such manner as to interfere as little as reasonably possible with the natural flow of the said rivers and with the passage of fish up and down the said rivers.

Byelaws for preventing pollution of water.

11.—(1) The Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the parish of Cornwood or within so much of that parish as may be defined in the byelaws.

(3) In addition to the requirements of section 184 of the Public Health Act 1875 the Council shall exhibit in some conspicuous place in the said parish copies of the notice referred to in that section and any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the county council of Devon one month at least before application is made for their confirmation and before confirming the byelaws the Minister of Health shall have regard to any representations thereon which may be made within the said month by the said county council.

(5) The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they apply to byelaws made by an urban sanitary authority shall apply to all

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byelaws made by the Council under the powers of this section.

(6) The Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

(7) Notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any byelaw made under this section may be taken by the Council without the consent in writing of the Attorney-General.

Discharge of water into streams.

12.—(1) For the purpose of executing constructing enlarging extending repairing cleansing emptying or examining any reservoir tank aqueduct line of pipes or other work for the time being belonging to the Council the Council may cause the water in any such work to be discharged into any available stream watercourse or ditch Provided that any water so discharged shall be as free as may be reasonably practicable from mud or silt or offensive matter and from matter injurious to fish or spawn or spawning beds or food of fish.

(2) In the exercise of the powers conferred by this section the Council shall do as little damage as may be and shall pay 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 in accordance with the provisions of the Arbitration Act 1889.

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

Telephonic wires and apparatus in streets.

13. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets the Council may for the purposes of effecting

telegraphic or telephonic communication between to or from the Council's works and offices lay down maintain alter repair and renew mains tubes electric and other wires and apparatus in the soil of any street road highway or footpath within the limits of supply or in which any mains pipes or apparatus of the Council may be constructed or laid under the powers of this Act.

For protection of Postmaster-General.

14. Any electric wires telegraphs telephones or other apparatus or appliances laid down or maintained by the Council under the provisions of this Act shall not be used for the transmission of telegrams in contravention of the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such telegraphic line.

Prevention of plumbism.

15. All water supplied by the Council under this Act shall be properly and efficiently filtered or otherwise treated so as to prevent it acting on lead in such manner as to endanger the health of consumers and if the Council make default under this section they shall be liable to a penalty not exceeding ten pounds for every day during which such default shall continue.

PART III.

LANDS.

Power to acquire lands.

16. Subject to the provisions of this Act the Council may enter upon take appropriate and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act.

Period for compulsory purchase of lands.

17. The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of two years from the thirty-first day of October one thousand nine hundred and twenty-eight.

Correction of errors in deposited plans and

18. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council

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book of reference.

after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Devon for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for such county and a duplicate thereof shall also be deposited with the clerk and also with the clerks of the councils of the parishes in which the lands affected are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace clerk and clerks of the parish councils respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

Council may acquire easements only in certain cases.

19.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements 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 such Acts.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council 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 at all times after the completion of the works and subject to such easements have the same rights of passing over such lands for all purposes of or connected with the use and enjoyment of the adjoining lands as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the

owner in his particulars of claim shall require the Council 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 only shall be endorsed with notice of this provision. A.D. 1928.

Powers for protection of water supply.

20.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Council are empowered to take or which may flow into any waterworks of the Council the Council may by agreement purchase take on lease or 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:

Provided that the Council shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor without the approval of the Minister of Health 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.

(2) The Council 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 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 traversing the said lands 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 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.

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Purchase of additional lands by agreement.

21. The Council in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of the water undertaking but (except with the consent of the Minister of Health) the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands nor 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.

Persons under disability may grant easements &c.

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

Reservation of water rights &c. on sale.

23. The Council on selling any lands acquired by them in connection with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to 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.

Power to retain sell &c. lands.

24.—(1) Notwithstanding anything in any other Act or Acts to the contrary the Council 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 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 by them under this Act or any other Act or Order relating to 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:

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

(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation 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.

(3) Nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any person from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Proceeds of sale of surplus lands.

25.—(1) So long as any lands remain to be acquired by the Council under the authority of this Act or any other Act or Order relating to the water undertaking the Council may so far as they consider necessary apply any

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capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of the said Acts in the purchase of lands so remaining to be acquired but the Council shall apply any capital moneys so received and not applied as aforesaid in or towards the extinguishment of any loan raised by them under the powers of the said Acts or under any other power of raising money for the purpose of the water undertaking and such application shall be in addition to and not in substitution for any other mode of extinguishment provided for by this Act or any other Act under which such loans have been raised except to such extent and upon such terms as may be approved by the Minister 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 the said Acts;

(*b*) the borrowing powers conferred by the said Acts shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

(3) Subject as aforesaid any capital moneys received by the Council under the section of this Act of which the marginal note is "Power to retain sell &c. lands" shall be applied in such manner as may be approved by the Minister of Health.

PART IV.

SUPPLY OF WATER.

Limits of supply.

26. The limits of this Act for the supply of water (in this Act referred to as "the limits of supply") shall be the district except the parishes of Bickleigh Compton Gifford Egg Buckland St. Budeaux Tamerton Foliot and Weston Peverell which were included under the Plymouth Corporation Act 1915 within the limits of the mayor aldermen and burgesses of the county borough of Plymouth.

Supply of water.

27. Subject to the provisions of this Act the provisions of the Public Health Acts shall apply to the supply of water by the Council within the limits of supply.

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Rates for supply of water for domestic purposes.

28. When the Council are in a position to supply water by means of the works by this Act authorised they shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house entitled under the provisions of the Public Health Acts to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for domestic purposes at a rate per annum not exceeding fifteen per centum upon the gross value of the premises so supplied :

Provided that the Council shall not be required to supply any premises with water at a less sum than fifteen shillings per annum.

The gross value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues Provided that where the water rate is chargeable on the gross value of a part only of any hereditament entered in the valuation list such gross value shall be a fairly apportioned part of the gross value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the limits of supply a sum not exceeding seven shillings and sixpence 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 such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Supply of water by hose-pipe to stables &c.

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

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the provisions of this section shall be paid quarterly in advance and be recoverable in all respects with and as water rates.

Supply of water to houses partly used for trade &c.

30.—(1) The Council shall not be bound to supply with water otherwise than by measure (*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 public institution hospital asylum (whether public or private) sanatorium club hotel public-house or inn or (*c*) any boarding-house capable of accommodating twenty or more persons including the persons usually resident therein or (*d*) any school not maintained by the local education authority.

(2) Where a supply of water to a farmhouse 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 ordinary rate calculated on the gross value thereof.

(3) The minimum quarterly charge for a supply of water by measure 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 value.

Rates payable by owners of small houses.

31. Where a house supplied with water 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 if the occupier be not himself liable therefor under any lease or agreement be deducted by him from the rent from time to time due from him to the owner 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.

32. 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 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.

Price of supply by measure.

33. The price to be charged for a supply of water by measure shall not exceed two shillings and sixpence per thousand gallons Provided that the Council shall be entitled to charge for each such supply (other than a supply given under the section of this Act whereof the marginal note is "Supply of water to houses partly used for trade &c.") such minimum sum not exceeding fifteen shillings as they may prescribe in respect of the water supplied in any quarter of a year.

Revision of water rates.

34. The Minister of Health may if he thinks fit from time to time on the application of the Council or of twenty consumers of water supplied by the Council 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 and such order may provide for the alteration of the basis of such rates and charges Provided that the rates and charges prescribed in any such order shall be of such amounts as in the opinion of the Minister will provide a reasonable sum as a contribution towards a reserve fund in respect of the water undertaking so long as such fund does not amount to the maximum prescribed in relation to that fund by the section of this Act of which the marginal note is "Reserve fund."

Discount for prompt payment of water rates.

35. 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.

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Period of error in defective meters.

36.—(1) In the event of any meter used by a consumer of water being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as charges for water supplied by meter are recoverable by the Council.

Power to sell meters.

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

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 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 any 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 penalty 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 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 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. A.D. 1928.

(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 primâ 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.

Power to supply water fittings.

40.—(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 execute all 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.

(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.

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(3) Subject to the proviso to subsection (2) of this section all fittings let by the Council on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Council Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided 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*) When a demand note delivered by the Council to a consumer includes a sum charged by the Council in respect of providing such fittings or the repairing fixing or removal thereof such sum shall be clearly stated in such demand note;

(*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 such year.

Notice of discontinuance.

41. 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 by the consumer personally at the office of the Council.

Byelaws for preventing waste &c. of water.

42.—(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 material workmanship and strength and the mode of arrangement connection dis-

connection alteration and repair of pipes meters cocks ferrules valves 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 afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 shall apply to all byelaws so made.

(3) In case of failure of any persons 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.

Meters in streets to measure water or detect waste.

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

(2) Provided that the Council shall not interfere with any telegraphic line as defined by the Telegraph Act 1878 belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

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Separate communication pipes may be required.

44.—(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.

Council to connect communication pipes with mains.

45. Notwithstanding anything contained in any Act relating to the Council the Council shall have the exclusive right of executing any works on any of the water mains of the Council for connecting any communication pipe therewith and the Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Council execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Power to Council to repair communication pipes.

46.—(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 if any injury to or defect in the communication pipe shall have been ascertained the expense incurred by the Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the 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.

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(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 of such house or premises to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Maintenance of common pipe.

47. 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 proportions of contributions shall be settled by the waterworks engineer of the Council or other officer duly authorised in that behalf by the Council.

Opening of ground by person liable to maintain pipes &c.

48.—(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 maintain repair or remove any communication pipe and for that purpose to open or break up any street execute such works on behalf of such owner or occupier and any expenses incurred by the Council shall be repaid by the owner or occupier with whom the agreement is made.

Power to remove meters and fittings.

49. The Council by their agents or workmen after forty-eight hours' notice in writing under the hand of the waterworks engineer 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

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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.

Penalty for closing valves and apparatus.

50. 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 on conviction 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.

Penalty for interfering with valves &c.

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

PART V.

COMBINED DRAINS.

Combined drains.

52.—(1) If it appears to the Council that two or more houses may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Council may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Council if they so decide or by the owners in such manner as the Council shall direct and the costs and expenses of such

combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Council shall determine and if such drain is constructed by the Council such costs and expenses may be recovered by the Council from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Council shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the Council under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Council intimating the amount payable or their apportionment thereof On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

53.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Council shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Council may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor to the Council or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Council may declare them to be private improvement expenses and may recover them accordingly.

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(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the district.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

PART VI.

FINANCIAL.

Power to borrow.

54.—(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 they shall pay off all moneys so borrowed within the respective periods mentioned in the third column thereof (namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
	£	
(*a*) The purchase of lands and easements for the works authorised by Part II (Waterworks) of this Act.	1,305	Sixty years from the date or dates of borrowing.
(*b*) The construction of the works authorised by Part II (Waterworks) of this Act.	80,000	Forty-five years from the date or dates of borrowing.
(*c*) The payment of 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 or of the water undertaking including the provision of working capital.

(*b*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister of Health.

(3) In order to secure the repayment of the money borrowed under this section and the payment of interest thereon they may mortgage or charge the revenue of

their water undertaking and the rates out of which special expenses incurred in the execution of the Public Health Acts by a rural sanitary authority are by those Acts directed to be defrayed.

Certain provisions of Public Health Acts not to apply.

55. In calculating the amount which the Council may borrow under the provisions of the Public Health Acts any sums which the Council may borrow under or for the purposes of this Act and any sums which they have borrowed or may hereafter borrow for the purpose of constructing works for the supply of water shall not be reckoned and the power of the Council of borrowing and re-borrowing for the purposes of this Act shall not in any way be restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

56. The Council may raise all or any moneys which they are authorised to borrow or re-borrow 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 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 section 15 of that Act.

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

57. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply mutatis mutandis to mortgages granted under this Act.

As to section 234 of Public Health Act 1875.

58. In calculating under subsection (2) of section 234 of the Public Health Act 1875 the amount which the Council may borrow the amount of any sinking fund or redemption fund accumulated for the purpose of providing for the repayment of loans contracted by the Council under the Sanitary Acts and the Public Health Acts shall be deducted from the total debt of the Council under those Acts.

Mode of payment off of money borrowed.

59. 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

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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 within six months of the date of borrowing Provided that it shall not be obligatory upon the Council to commence the repayment by sinking fund or otherwise of any moneys borrowed for the purposes (*a*) and (*b*) mentioned in subsection (1) of the section of this Act of which the marginal note is "Power to borrow" until the thirty-first day of March next after the completion of the works authorised by this Act or until the expiration of seven years from the passing of this Act whichever shall first happen.

Sinking fund.

60.—(1) If the Council determine to repay by means of a sinking fund any money borrowed by virtue of this Act such sinking fund shall subject to the provisions of the section of this Act whereof the marginal note is "Mode of payment off of money borrowed" 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 sum 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 and a half 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 sum 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 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.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the sum 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 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 accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the sum 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

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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 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 sum for the repayment of which the sinking fund is formed the Council may reduce the payments to be made 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 sum 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 sum 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 sum 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.

Investment of and payments into sinking fund.

61. When under the provisions of this Act or 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 repayment of moneys borrowed in relation to the water undertaking the appropriate yearly sums and the accumulations thereof (if any) required to be set apart for or paid into such sinking fund for the purpose of providing for the repayment of moneys

borrowed by the Council shall be paid and provided out of the revenue of the water undertaking and any interest dividends and annual proceeds arising from the investment of the said yearly sums and the accumulations thereof (including such annual sums and accumulations as have been provided prior to the passing of this Act) shall be carried to and form part of the revenue of the water undertaking and shall be available for the payment of interest on loans of that undertaking.

Power to use sinking fund instead of borrowing.

62.—(1) Where the Council are authorised by any statutory borrowing power to raise money 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 moneys borrowed by the Council Provided that the Council shall not use for such purpose any sinking fund which has been set aside in respect of any loan raised on mortgage and shown by the mortgage to have been raised in exercise of a particular borrowing power Provided also that when exercising the powers of this section the Council 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 moneys 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 moneys 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

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enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(2) When any of the moneys are discharged by the application of any part of the sinking fund the moneys so discharged shall be deemed to be in respect of such one or more of the borrowing powers under which the moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Council shall determine Provided that the amount of the moneys deemed to be discharged in respect of any borrowing power shall not exceed the amount of the contributions paid in to the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

Power to re-borrow.

63.—(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.

(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 repaid 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.

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(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.

Use of moneys forming part of reserve and other funds.

64. Notwithstanding anything contained in any previous enactment the Council may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part of but not for the time being required for the purposes of any reserve renewals depreciation contingent or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

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

(2) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power:

(3) Any repayment made or interest paid shall be treated in the accounts of the Council as if it were the repayment of or the payment of interest on a loan raised under the statutory borrowing power:

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

Reserve fund.

65.—(1) The Council may if they think fit form and maintain 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 (with power to vary and transpose such investments) until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one-tenth of the aggregate capital expenditure for the time being by the Council upon the water undertaking and any such fund shall be applicable to meet any extraordinary claim or demand at any time arising against the Council in respect of the water undertaking or for payment of the cost of renewing improving or extending any part of the works comprised in the water undertaking or otherwise for the benefit of the water undertaking and so that if the fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(2) All interest received in any year from the investments of any reserve fund so formed shall be carried to and shall form part of the revenue for that year of the water undertaking and shall be available for the payment of interest on loans of that undertaking but the reserve fund shall in that year be increased by a sum equal to the amount of such interest unless such fund amounts to the maximum prescribed by subsection (1) of this section.

(3) Resort may be had to the reserve fund under the foregoing provisions although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

Separate accounts in respect of water undertaking.

66.—(1) The Council shall keep their accounts in respect of the water undertaking so as to distinguish capital from revenue and as regards the revenue account to show under a separate heading or division on the one

side all receipts including the interest on any reserve fund by this Act authorised and on the other side all payments and expenses in respect of the water 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 costs of maintenance of the water undertaking;

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

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

(*d*) The amount (if any) paid to a reserve fund created by the Council in accordance with the provisions of the section of this Act of which the marginal note is "Reserve fund";

(*e*) The repayment to the rate or fund out of which any deficiencies in the water undertaking in previous years may have been contributed of the amount of such deficiencies incurred after the passing of this Act;

(*f*) All other expenses (if any) of the water undertaking properly chargeable to revenue.

(2) Whenever the money received by the Council from the water undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the charges of the Council for the supply of water to be made and charged in the next succeeding year shall be reduced in such manner as the Council think fit to an extent equivalent to the amount of such excess Provided that if owing to an increase in the estimated expenditure or to a reduction in the estimated revenue for the said next succeeding year the amount of such excess or any part thereof will be required in order that the revenue may not be less than the amount to be expended or set aside the reduction in charges may be such only as will reduce the revenue by the amount of the balance of such excess.

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Interest on securities held jointly.

67. Where more persons than one are registered as joint holders of any security 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 by any other of them.

Receipt in case of persons not sui juris.

68. If any moneys are payable to a mortgagee or holder of any security being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Evidence of transfer or transmission of securities.

69. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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

70.—(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 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 appro-

priated 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 purposes 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 inquiry.

71. 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 provisions of this Act or be bound to see to the application or be answerable for any misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

72. 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 incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of receiver.

73.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one-tenth part of the amount for the time being owing by the Council upon mortgage of the water undertaking.

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(2) The application for the appointment of a receiver shall be made to the High Court.

Application of money borrowed.

74. All money borrowed by the Council under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Estimate of revenue and expenditure of water undertaking.

75. At or before the expiration of a period of three years from the date upon which the Council commence to supply water by means of the works authorised by this Act and at the commencement of every subsequent financial year the Council shall make or cause to be made an estimate of the probable revenue and expenditure (other than capital expenditure) which will be received and incurred respectively during the year and the rates and charges for the supply of water shall be fixed by the Council for each financial year upon the consideration by them of the estimate for that year and shall (subject to the maximum rates and charges prescribed by this Act or by any order of the Minister of Health made in pursuance of the section of this Act of which the marginal note is "Revision of water rates" and subject as provided by the section of this Act of which the marginal note is "Expenses of execution of Act") be such that so far as can be estimated the aggregate proceeds of those rates and charges for that financial year will be as nearly as may be equal to their expenditure on revenue account in respect of that financial year including any amount to be set aside to the reserve fund authorised by the section of this Act of which the marginal note is "Reserve fund" and any sum to be provided under paragraph (*e*) of the section of this Act of which the marginal note is "Separate accounts in respect of water undertaking" Provided that the Council shall not be required to fix the rates for the supply of water for domestic purposes for any financial year at an amount containing any fraction of one per centum.

Expenses of execution of Act.

76. The expenses of the execution by the Council of this Act (including the payment of interest upon money borrowed for the purposes of the water undertaking and the requisite appropriations instalments or sinking fund payments in respect of moneys so borrowed) shall be defrayed out of the revenue of the water undertaking and if such revenue shall be insufficient to defray

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the whole of such expenses the amount thereof not defrayed out of such revenue shall be defrayed in manner directed by the Public Health Acts with respect to special expenses incurred in the execution of those Acts by a rural sanitary authority and as if the parishes of Plympton St. Mary Plympton St. Maurice Plymstock Cornwood Brixton Yealmpton and Newton Ferrers and any other parish which may from time to time be supplied by the Council with water by means of the works authorised by this Act were the contributory place on which such expenses are charged and all the provisions of the Public Health Acts relating to the apportionment (except the provisions of so much of section 229 of the Public Health Act 1875 as relates to appeals against such apportionment) payment and recovery of such special expenses or otherwise relating thereto shall so far as applicable and with the necessary modifications apply accordingly Provided that no rate shall be levied for the expenses of the execution of this Act within so much of the district as is by this Act excepted from the limits of supply.

Audit of accounts.

77. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the receipts and expenditure of the Council under this Act and to the audit thereof.

PART VII.

MISCELLANEOUS.

For protection of Great Western and Southern Railway Companies.

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

(1) Works Nos. 10 and 11 or any other main or pipe laid under the powers of this Act if laid in a road passing over or under the railway of the company or across that railway on the level shall for its entire length across the railway be laid and carried by means of a steel or iron pipe founded on and surrounded by a sufficient thickness of Portland cement concrete or if

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laid in a road crossing the said railway on the level enclosed in a subway to be constructed and maintained by the Council but so that no part of any work constructed under any such last-mentioned road shall be less than three feet below the level of the rails of the said railway at the point of crossing:

(2) In constructing the said works at the said points of crossing and in constructing laying down and executing and also (except in cases of emergency) in effecting the repairs or renewals enlargement or alteration of any work of the Council by this Act authorised which may be situate upon across over under or in any way affecting the railway or other property belonging to or used by the company the same shall be done by and in all things at the expense of the Council except as in this section is otherwise provided and under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company (hereinafter referred to as "the said engineer") and at such time or times as he shall reasonably approve and so as not to interfere with the structure of any such railway or of any bridge belonging to the company and except in cases of repair according to plans sections and particulars to be submitted to and reasonably approved by the said engineer before any such works shall be executed Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof:

(3) The Council shall restore and make good to the reasonable satisfaction of the said engineer the railway and other property of the company and the roads over or under any bridge or over any level crossing of such railway or over the approaches to any such bridge or level crossing so far as the same may be disturbed or interfered with by or owing to any of the operations of the Council:

(4) If the 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 (including compensation payable to any workmen or their legal representatives or dependants who may be injured or killed whilst employed by the company in and about such works Provided that any works executed by the company under this subsection shall be executed to the reasonable satisfaction of the engineer to the Council:

(5) All such works shall be constructed executed and maintained so as not to cause any injury or damage to the railway or other property of the company or any interruption to the passage or conduct of traffic over such railway and if any such injury damage or interruption shall arise from the acts or operations of the Council or by reason of the failure of the Council to maintain such works or the bursting leakage or failure of the works of the Council under or near to any railway or other property of the company all such injury or damage shall forthwith be made good by the Council at their own expense and to the reasonable satisfaction of the said engineer and the Council shall indemnify the company from all claims in respect of any such injury damage or interruption and shall make compensation to the company for and in respect thereof including any compensation payable as aforesaid and compensation for any disturbance of traffic which the construction or maintenance of the said works may entail:

(6) In the event of the Council failing to make good such injury or damage as aforesaid or failing to maintain all such works (where they pass under over or in any way affect the railway or other property of the company) in substantial repair and good order to the reasonable satisfaction in all respects of the said engineer or in case of emergency of which the said engineer shall be the sole judge the company

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may 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 (including compensation payable as aforesaid) from the Council:

(7) If it should be necessary during the construction of any works authorised by this Act or by reason of the existence of the same to alter any of the telegraph telephone or signal posts or wires or other work or apparatus belonging to or on the railway of the company the company may effect such alterations and the Council shall repay to them the reasonable expenses incurred by them in and connected with such alterations:

(8) The Council shall not under the powers of this Act acquire compulsorily any lands of the company save and except that the Council may acquire and the company on being required so to do by the Council shall sell to the Council such a right or easement as may be necessary to enable the Council to construct and maintain Work No. 10 by this Act authorised over the railway and other property of the company and the Council shall pay to the company for any right or easement which they may so require the company to sell such sum as may be agreed upon or failing agreement as shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement:

(9) The Council shall bear and on demand pay to the company the reasonable expense (including compensation payable as aforesaid) of the employment by them during the construction and maintenance of any works under the powers of this Act over under or across the railway or other property of the company of such inspectors signalmen or watchmen to be appointed by the company as may be reasonably necessary for watching and protecting the said railway and the conduct of the traffic thereon with reference to and during the execution and

maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person or persons in the employ of the Council or their contractors:

(10) If the company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railway or to extend alter or repair their railway or other works upon across over or under which any of the works of the Council may have been constructed or laid the company may after giving to the Council fourteen days' notice in writing under the hand of their secretary or general manager or in case of emergency of which the said engineer shall be the sole judge after giving such notice as is reasonably practicable divert support or carry the said works of the Council across over or under their railway or other property at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be and so as not to interrupt or interfere with the supply of water more than may be necessary without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works or any such interruption or interference Provided that any works executed by the company under this subsection shall be executed to the reasonable satisfaction of the Council:

(11) Any additional expense which the company may reasonably incur in widening altering reconstructing repairing or maintaining their railway or other works by reason of the existence of the works of the Council laid or executed under the powers of this Act upon across over or under the same shall be paid by the Council:

(12) The Council shall not without the previous consent of the company exercise the powers conferred on them by the sections of this Act of which the marginal notes are "Telephonic

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wires and apparatus in streets" or "Meters in streets to measure water or detect waste" in respect to any street which is the property of the company but such consent shall not be unreasonably withheld:

(13) Except as in this section otherwise expressly provided any difference arising between the Council and the company respecting any of the matters referred to in this section shall be referred to and determined by an arbitrator to be appointed failing agreement at the request of either party after notice in writing to the other 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 and determination.

Inquiries by Minister of Health.

79.—(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 of Health 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 not exceeding five guineas a day for the services of such inspector.

As to notices &c.

80.—(1) Where any notice or demand under this Act 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 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. A.D. 1928.

Recovery of penalties &c.

81. 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 and expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Application of section 265 of Public Health Act 1875.

82. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were with the necessary modifications re-enacted herein.

Recovery of demands.

83. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter Provided that the demand does not exceed the amount recoverable in that court in a personal action.

Judges not disqualified.

84. 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.

Several sums in one summons.

85. Where the payment of more than one sum by any person is due under this Act or any Act or Order relating to the Council any summons or warrant issued for the purposes of 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.

Costs of Act.

86. All 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

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shall be paid by the Council and may in the first instance be paid out of any moneys in their hands but ultimately if the Council so determine out of moneys to be borrowed under the powers of this Act.

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