CHAPTER ccxlviii.

An Act to constitute and incorporate a Joint Water Board consisting of representatives from the Councils of the Borough of Southport the Urban District of Birkdale and the Rural District of West Lancashire all in the County Palatine of Lancaster and to transfer to and vest in such Board the undertaking of the Southport Waterworks Company and for other purposes. [9th August 1901.] A.D. 1901.

WHEREAS the Southport Waterworks Company (in this Act called "the company") have under and by virtue of the following Acts :—

The Southport Waterworks Act 1854 ;
The Southport Waterworks Act 1856 ;
The Southport Waterworks Act 1867 ;
The Southport Waterworks Act 1870 ;
The Southport Waterworks Act 1878 ; and
The Southport Water Act 1900

constructed certain waterworks and are supplying water within the borough of Southport the urban district of Birkdale and part of the rural district of West Lancashire :

And whereas by section 28 of the last-named Act it is provided as follows :—

"If in the next session of Parliament available for Private Bill legislation an Act be passed constituting a Joint Board consisting of representatives of the municipal corporation of Southport the urban district council of Birkdale and the rural district council of West Lancashire and authorising the said Board to purchase the undertaking of the Company within a time to be fixed by the said Act and the Joint Board purchase the said undertaking accordingly the arbitrators or umpire appointed to determine the sum to

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be paid by the said Joint Board to the company for the said undertaking shall not in determining the same take into account the powers of the company to raise additional capital under the provisions of this Act except in so far as money shall at the date of the transfer of the said undertaking have been actually expended by the company on works":

And whereas it is expedient that the supply of water in the borough of Southport the urban district of Birkdale and a portion of the rural district of West Lancashire as herein-after mentioned should be under the control of a public authority and that for that purpose a board should be constituted and incorporated as by this Act provided representing the mayor aldermen and burgesses of the borough of Southport (herein-after called "the corporation") and the urban district council of Birkdale and the rural district council of West Lancashire (in this Act respectively referred to as "the urban council" and "the rural council") and that the agreement set forth in the First Schedule to this Act for the transfer of the undertaking of the company to such Board should be confirmed and carried into effect subject to the provisions of this Act in that behalf and that the powers contained in this Act should be conferred on the Board:

And whereas the township and parish of Altcar in the rural district is without any public supply of water and it is expedient that the Board should be authorised to supply water therein:

And whereas it is expedient that the Board should be authorised to borrow money for the purposes of this Act:

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

And whereas an absolute majority of the whole number of the council of the borough of Southport and of the urban council at meetings of those bodies respectively held on the twenty-fifth day of October and the twenty-seventh day of November one thousand nine hundred after ten clear days' notice by public advertisement of such meetings respectively and of the purposes thereof as to the meeting of the said council of the borough of Southport in the Southport Visiter and as to the meeting of the urban council in the said Southport Visiter being a local newspaper published or circulating in the said borough and the said urban district such notices being in addition to the ordinary notices required for summoning such meetings resolved that it was expedient to promote the Bill for this Act:

And whereas such resolution of the said council of the borough of Southport was published twice in the said Southport Visiter being a local newspaper published or circulating in the said borough and the said resolution of the urban council was published twice in the said Southport Visiter being a local newspaper published or circulating in the district of such council and the said resolutions have received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council of the said borough and of the urban council at further special meetings held in pursuance of similar notices as to the council of the said borough on the eighth day of January and as to the urban council on the eighth day of January in the year one thousand nine hundred and one being in each case not less than fourteen days after the deposit of the Bill in Parliament:

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

And whereas the rural council by resolution passed by an absolute majority of the whole number of the members of the council have consented to the promotion of the Bill for this Act:

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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:—

Preliminary.

Short title.

1. This Act may be cited as the Southport Water (Transfer) Act 1901.

Incorporation of Acts.

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

The Lands Clauses Acts except the provisions with respect to the purchase and taking of lands otherwise than by agreement of the Lands Clauses Consolidation Act 1845:

The Waterworks Clauses Acts 1847 and 1863 except—

(*a*) The words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of such "owner" in section 44 of the Waterworks Clauses Act 1847;

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(*b*) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit; and

(*c*) Section 83 of that Act relating to accounts:

And the following provisions of the Commissioners Clauses Act 1847 (that is to say):—

With respect to the meetings and other proceedings of the commissioners and their liabilities (except sections 45 46 48 and 52);

With respect to the contracts to be entered into and the deeds to be executed by the commissioners;

With respect to the liabilities of the commissioners and to legal proceedings by or against the commissioners;

With respect to the appointment and accountability of the officers of the commissioners;

With respect to the making of byelaws;

With respect to giving notices and orders;

With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices;

With respect to access to the special Act:

And the provisions of the said Acts as are hereby incorporated shall apply to the Board as if the Board were undertakers or commissioners as the case may be within the meaning of those Acts.

Interpretation.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

"The Board" means the Southport Birkdale and West Lancashire Water Board incorporated by this Act;

"The corporation" means the mayor aldermen and burgesses of the borough of Southport;

"The urban council" means the urban district council of Birkdale;

"The rural council" means the rural district council of West Lancashire;

"Constituent authority" means the corporation acting by the council or the urban council or rural council as the case may be;

"The company" means the Southport Waterworks Company;

"The Company's Acts" means the Acts relating to the company recited in the preamble to this Act;

"Clerk" means the clerk to the Board;

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

"The undertaking of the company" includes all the waterworks engines mains lands buildings machinery and plant and all other the real and personal property assets and effects of whatever nature and all the powers rights and privileges vested in or belonging to or had or enjoyed by the company at the date of the transfer of their undertaking to the Board under the provisions of this Act except goods in stock and stores and except such books and papers as are not necessary for the conduct of the business of the Board under this Act.

Water limits.

4. The limits of this Act for the supply of water by the Board shall after the transfer include the borough of Southport the urban district of Birkdale and the following townships and parishes (that is to say) Ainsdale Altcar Aughton Downholland Formby Halsall Lydiate Maghull North Meols and Scarisbrick all within the rural district of West Lancashire.

CONSTITUTION OF THE BOARD.

Incorporation of Board.

5. For the purpose of carrying this Act into execution there shall be a joint board of such members constituted and appointed as by this Act provided and they and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of "The Southport Birkdale and West Lancashire Water Board" with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands and other property for the

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purposes of this Act and with all the other powers and privileges of a body corporate.

Constitution of Board.

6. The constitution of the Board shall be as follows:—

Six members to be appointed by the Corporation;

Four members to be appointed by the urban council; and

Two members to be appointed by the rural council.

Appointment of members.

7.—(1) The first appointment of members of the Board by each constituent authority shall take place at a meeting of the constituent authority to be held within six weeks from the passing of this Act or within such further time as the Local Government Board shall by order allow and the members so appointed shall subject to the provisions of this Act continue in office till the first Wednesday in the month of April one thousand nine hundred and four.

(2) Each constituent authority shall at a meeting of their body held on or within twenty-eight days before the first Wednesday in the month of April one thousand nine hundred and four appoint the number of members of the Board whom they are by this Act authorised to appoint to hold office till the first Wednesday in the month of April one thousand nine hundred and seven and so on from time to time at the expiration of every successive period of three years.

Provisions where failure to appoint members.

8. If any constituent authority fail to appoint first members of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if any constituent authority fail to appoint members of the Board at any subsequent period of three years the then existing members of the Board representing such authority shall continue in office till their successors are appointed.

Qualification of members of Board.

9. A person shall not be qualified to be a member of the Board unless he is a member of the council of the constituent authority by which he is appointed.

Members to be disqualified on ceasing to be members of constituent authorities.

10. If a member of the Board appointed by a constituent authority ceases to be a member of such constituent authority or becomes disqualified he shall also cease to be a member of the Board but such disqualification shall not apply if he only goes out of office by rotation as a member of such constituent authority and is thereupon re-elected.

Occasional vacancies.

11. If any member of the Board dies or resigns or is disqualified or ceases to be a member of the Board the constituent

authority whom he represented may if they think fit at any time after the happening of such vacancy appoint from amongst themselves a member of the Board in his place and every member of the Board so appointed shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office but for such death resignation disqualification or cesser.

Appointment of members to be certified to Board.

12. Whenever an appointment of a member of the Board has been made the clerk to the constituent authority by whom the appointment was made shall by writing under his hand certify the appointment to the Board and shall forthwith on the first appointment transmit the certificate to the town clerk of the borough of Southport and on every subsequent appointment to the clerk.

First and other meetings of Board.

13. The Board shall hold their first meeting at the town hall in Southport on the third Wednesday after their appointment at twelve o'clock at noon (unless some other day or time or place shall be appointed for the purpose by the Local Government Board and then on such day and at such time and place as shall be so appointed) and other meetings of the Board (including their annual meetings) shall be held on such days at such times and at such places as the Board may from time to time appoint.

Power to call special meetings.

14. In addition to the meetings to be held by appointment of the Board the chairman of the Board for the time being or any two or more members of the Board may at any time by writing addressed and sent to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly provided that at least three clear days' notice thereof shall be given to each member of the Board.

Error failure &c. not to invalidate acts done &c.

15. Any act of the Board or of any of the members thereof shall not be invalidated or be illegal by reason of any irregularity in the appointment of any member of the Board or by reason of any person not qualified or ceasing to be qualified acting as a member of the Board or by reason of any failure or omission on any occasion on the part of any constituent authority to appoint any member of the Board or by reason of any other irregularity error failure or omission in or about any appointment or in or about any matter preliminary or incidental thereto.

As to convening meetings.

16. The first meeting of the Board shall be convened by the town clerk of the borough of Southport and every subsequent meeting shall be convened by the clerk and every meeting shall be

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convened by circular delivered to each member of the Board or sent by post to or delivered at his residence three clear days at least before the day of the meeting.

Quorum.

17. The number of members of the Board present to constitute a meeting of the Board shall be four.

Officers of Board.

18. The Board may appoint and may remunerate a clerk a manager an engineer a treasurer and such other officers clerks and servants as they from time to time think requisite and all officers and servants so appointed shall be removable by the Board at their pleasure No member of the Board or of any of the constituent authorities shall be an officer of the Board but the same person may be and continue an officer of the Board and of any constituent authority A banking company may be appointed to act as treasurer under this section.

Arbitration.

19. If at any time any difference arises between the Board and any of the constituent authorities respecting any matter arising out of the provisions of this Act or if any question as to any matter in which the interests of the constituent authorities are not identical arises then the same shall be referred to and be settled by an arbitrator to be appointed by the parties in difference or in default of agreement by an arbitrator to be appointed by the Local Government Board and the Arbitration Act 1889 shall apply to any such arbitration.

PURCHASE OF WATER UNDERTAKING.

Confirmation of agreement between constituent authorities and company.

20. The agreement between the constituent authorities of the one part and the company of the other part dated the fifteenth day of July one thousand nine hundred and one as set forth in the First Schedule to this Act is hereby confirmed and made binding on the Board and the company.

Receipt for purchase money.

21. The receipt in writing of three directors of the company for any money paid to the Company by the Board shall effectually discharge the Board from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misappropriation or non-application thereof Provided that if from any cause the Board are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt

shall be given to the Board by the cashier of the said Bank for the money which shall have the same effect as the receipt of such three directors.

Transfer.

22. On the thirty-first day of March one thousand nine hundred and two and on payment by the Board of the amount of purchase money to the company or on payment of the amount into the Bank of England under the provisions of this Act the undertaking of the company with their rights powers privileges authorities duties and obligations shall by virtue of this Act become and shall thenceforth be transferred to vested in and imposed on the Board subject to the provisions of this Act and such transfer and vesting is in this Act referred to as "the transfer."

As to compensation to officers &c.

23. The Board shall pay compensation to any officers and servants in the regular employment of the company (but not including directors or ordinary workmen) who shall not be retained by the Board in the same or similar office or employment and at the salary and on the terms and conditions in at and on which they respectively were employed by the company at the passing of this Act in respect of any loss of office or loss or diminution of salary or income by reason of the transfer of the undertaking of the company to the Board and no such officer or servant who shall have been in the service of the company for ten years previously to the twenty-eighth day of June one thousand nine hundred and one shall lose his right to compensation as aforesaid by reason of his declining to enter into or continue in the service of the Board.

The amount of such compensation shall be calculated at the rate of one-sixtieth part of the annual amount received for such salary wages or emolument on the twenty-eighth day of June one thousand nine hundred and one for each year of service commuted at three per centum in accordance with the Carlisle Mortality Table.

Debenture stock of company to be a charge on undertaking.

24. The debenture stock issued by the company and the interest thereon shall after the transfer of the undertaking of the company and until discharged be a first charge on the water undertaking of the Board:

Provided that nothing in this or in any other section of this Act contained shall affect the priority of any rent rentcharge or sum reserved by or payable under any conveyance or lease granted to the company in pursuance of the company's Acts or any Acts incorporated therewith and which is entitled to rank in priority to or pari passu with the interest on the debenture stock issued by the company.

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Pending actions.

25. If at the time of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against or in favour of the Board as and when it might have been continued prosecuted and enforced against or in favour of the company if this Act had not been passed but not further or otherwise.

Contracts of company to be binding on Board.

26. All agreements contracts conveyances deeds and other instruments affecting the company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Board and may be enforced as fully and effectually as if instead of the company the Board had been a party thereto.

Application of purchase money.

27. The company shall hold the purchase money paid to them by the Board under this Act in trust to pay apply and distribute the same amongst the shareholders of the company according to the amount of maximum dividend payable to each shareholder and for the purpose of such distribution the several persons whose names shall appear in the books of the company at the time of the transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors thereof for the money therein expressed to be received and shall exonerate them from any obligation affecting the share or interest in respect whereof that money is paid.

Payment into court by directors.

28. Where the directors of the company are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the county court of Lancashire holden at Southport under any Act for the time being in force for the relief of trustees and every such payment into court shall conclusively discharge the

company and directors from all further liability with respect to the money so paid. A.D. 1901.

Power of shareholders to accept stock of Board in lieu of proportion of purchase money.

29. The Board may by agreement with any shareholder of the company issue to him in lieu of the proportion of purchase money to which he may be entitled an amount of redeemable stock of the Board sufficient to produce an income equivalent to the income which would have been produced by the investment of his proportion of purchase money at a rate not exceeding three per centum per annum.

Any trustee executor administrator or other person holding shares in any fiduciary capacity may act under this section and is hereby indemnified in respect of every act bonâ fide done by him in the execution thereof.

Winding-up and dissolution of company.

30. So soon as conveniently may be after the transfer the affairs of the company shall be wound up and for that purpose the directors of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the distribution of the purchase money and all other sums of money paid to the company by the Board and for winding-up the affairs of the company and when and so soon as such moneys have been distributed and their affairs have been wound up the company shall be by virtue of this Act dissolved.

If the number of directors of the company be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing directors shall from time to time choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

Company to pay outgoings and be entitled to receipts till transfer.

31. The company shall bear and pay all outgoings including interest on their debenture stock up to the date of the transfer and such interest shall if necessary be apportioned and the company shall be entitled to all rents charges and receipts in respect of the undertaking up to the date of the transfer and all rents charges and receipts not then received but attributable to any period before that date shall be apportioned and so much thereof as is so attributable shall be accounted for and paid over by the Board to the company but if there be any surplus over and above so much as is necessary to pay the maximum dividends payable to the shareholders of the company such surplus shall be the property of the company.

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Books &c. to remain evidence.

32. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall be admitted in evidence in respect of the same or the like matter for or against the Board.

Repeal of Company's Acts with certain savings.

33. The Company's Acts except the Southport Water Act 1900 shall as from the transfer of the company's undertaking to the Board be repealed except the sections and parts of sections set forth in the Third Schedule to this Act which sections and parts of sections shall apply and have effect as if the Board were therein referred to instead of the company.

Maintenance of undertaking by company till transfer.

34. Until the transfer the undertaking of the company shall be maintained and carried on by the company as heretofore in the ordinary course of business and any capital expended for this purpose after the 31st day of May 1901 shall be reimbursed by the Board and except as aforesaid the company shall not without the previous consent of the Board under the hand of their clerk make or enter into any contract agreement or obligation except such as shall be necessary to carry into execution existing contracts for works authorised by the Southport Water Act 1900 and such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking and for the benefit of the Board.

SUPPLY.

Maintenance of undertaking after transfer.

35. The Board may maintain continue renew extend and repair the undertaking reservoirs mains pipes and other waterworks for the time being belonging to them by virtue of this Act or otherwise and may use and employ the same for the purpose of taking intercepting and impounding any water that can be thereby taken intercepted or impounded and may take any water which might have been taken intercepted or impounded by the company if this Act had not been passed and may sell and supply water in accordance with the provisions of this Act.

Power to make subsidiary works.

36. The Board may in addition to the works authorised by the Company's Acts from time to time upon any lands acquired or to be acquired by them make and maintain all such cuts channels aqueducts culverts conduits tunnels drains sluices overflows waste-water channels by-washes outlets gauges wells tanks banks walls bridges piers abutments approaches machinery and appliances as may be necessary or convenient in connexion with the before-mentioned works but nothing in this section shall exonerate the

Board from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them.

Power to purchase lands by agreement.

37. The Board may for the purposes of this Act purchase take and hold by agreement in addition to the lands which they may acquire from the company any lands and hereditaments not exceeding in the whole twenty acres which the Board may from time to time require for the purposes of their works and undertaking but the Board shall not create or permit the creation or continuance of any nuisance on any such lands and no buildings shall be erected on such lands except such as are required for or are connected with the purposes of their undertaking.

Restriction on taking houses of labouring class.

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

(2) If the Board acquire or appropriate any house or houses for the purposes of this Act in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

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

Persons under disability may grant easements &c.

39. 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 Board 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 Lands Clauses

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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.

40. The Board may sell any lands acquired by or belonging to them and not required for the purposes of their water undertaking and on such sale may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Supply of water under pressure.

41. The water supplied by the Board need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the reservoir from which the supply is given and the pressure shall be the same in Birkdale as in Southport.

Rates at which water is to be supplied for domestic purposes.

42. The Board shall at the request of the owner or occupier of any private dwelling-house or part of a private dwelling-house in any street in which any pipe of the Board shall be laid or on the application of any person who under the provisions of this Act or any Act incorporated herewith shall be entitled to demand a supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic uses at rates not exceeding the yearly rates herein specified (that is to say):—

Where the gross estimated rental of the premises so supplied with water shall not exceed twenty pounds at a rate per centum per annum not exceeding seven pounds and ten shillings:

Where such gross estimated rental shall exceed twenty pounds and not exceed forty pounds at a rate per centum per annum not exceeding seven pounds:

Where such gross estimated rental shall exceed forty pounds and not exceed sixty pounds at a rate per centum per annum not exceeding six pounds and ten shillings:

Where such gross estimated rental shall exceed sixty pounds and not exceed eighty pounds at a rate per centum per annum not exceeding six pounds:

Where such gross estimated rental shall exceed eighty pounds and not exceed one hundred pounds at a rate per centum per annum not exceeding five pounds and ten shillings:

Where such gross estimated rental shall exceed one hundred pounds at a rate per centum per annum not exceeding five pounds.

The gross estimated rental of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the half year for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor Provided that where the water rate is chargeable on the gross estimated rental of a part only of any hereditament entered in the valuation list such gross estimated rental shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

The Board shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the scale of rates authorised by this section a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient gross estimated rental to bring it within the next division of the said scale relating to premises of a higher gross estimated rental whereon a lower rate per centum per annum is chargeable.

Rates for waterclosets and baths.

43. In addition to the foregoing charges the Board may charge in respect of the first fixed bath on any premises capable of containing not more than fifty gallons a sum not exceeding ten shillings per annum and in respect of every watercloset after the first and for every such fixed bath after the first a sum not exceeding five shillings and for every fixed bath capable of containing more than fifty gallons such sum as the Board may think fit such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Board not to be compelled to supply certain closets or baths.

44. The Board shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used as to prevent the contamination of the water of the Board Provided that the foregoing provision shall not entitle the Board to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate.

Rate payable by owners for small houses.

45. Where the gross estimated rental of a house supplied with water does not exceed ten pounds or the house is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall pay the

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rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Supply to houses partly used for trade &c.

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

(2) Where the Board refuse to supply with water any building referred to in this section otherwise than by measure they shall on the application of the occupier of such building supply the same with sufficient water for domestic purposes at a rate not exceeding two shillings for every thousand gallons and the moneys payable to the Board under this section shall be recoverable in the same manner as rates due to the Board for water Provided that the Board shall not be compelled to afford to any premises a supply of water by measure for a less sum in any one half year than the amount of the rate which would have been payable in respect of such premises for a supply of water otherwise than by measure.

Several houses supplied by one pipe.

47. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Board by a distinct pipe Provided that the Board shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and that the Board shall not be bound to supply more than one house by means of the same communication pipe but may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

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

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

Byelaws for preventing waste &c. of water.

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

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

(2) Such byelaws shall apply only in the case of premises to which the Board are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 182 to 185 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made:

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Board may if they think fit after twenty-four hours notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances 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 Board as the water rates in respect of the premises are recoverable.

Supply of water for other than domestic purposes and by measure.

50. The Board may supply water for other than domestic purposes on such terms and conditions as the Board 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.

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Provided also that the price to be charged for a supply by measure shall not exceed two shillings per thousand gallons.

Contracts for supplying water in bulk.

51. The Board may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for domestic purposes within the limits of this Act.

Extension of sections 51 54 176 and 303 of Public Health Act 1875 to Board.

52. Section 51 (General powers for supplying district with water) section 54 (Power of carrying mains) section 176 (Regulations as to purchase of land) and section 303 (Power to repeal and alter local Acts) of the Public Health Act 1875 shall extend and apply to the Board as if they were a local authority within the meaning of those sections and the Local Government Board may make such orders as they are by any of those sections empowered to make on the petition or application of a local authority.

Power to lay pipes in streets not dedicated to public use.

53. The Board may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Power to sell or let meters.

54.—(1) The Board may sell meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

(2) The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Board to let for hire any water fittings to any person supplied by them with water.

Notice to Board of connecting or disconnecting meters.

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

meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Board and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. A.D. 1901.

Register of meter to be primâ facie evidence.

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

Injuring meters &c.

57. 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 Board 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 Board shall (without prejudice to any other right or remedy for the protection of the Board) for every such offence forfeit and pay to the Board a sum not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained :

And 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 Board 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 Board the Board may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or other instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Board by the person so offending and may be recovered by them as water rent is recoverable.

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The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board 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 Board to supply materials.

58. The Board may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil-pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Board in providing such materials and executing such work shall be paid by the person requiring the same.

Notice of discontinuance.

59. A notice to the Board from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the office of the Board.

Arrangements with constituent authorities as to collection of water rents.

60. The Board and the constituent authorities may respectively enter into and carry into effect such arrangements for the collection by the constituent authorities respectively and their officers and servants on such terms and conditions as they think fit of the water rents and other sums accruing to the Board within the borough and districts respectively of the constituent authorities.

Confirmation of agreement between corporation and rural council.

61. The agreement between the corporation of the one part and the rural council of the other part dated the tenth day of April 1900 as set forth in the Second Schedule to this Act is hereby ratified and confirmed Provided that—

(1) The said agreement shall be read and have effect as if the provisions of the said agreement were enacted by this Act and if any provision of the said agreement is inconsistent with any provision of this Act the provisions of the said agreement shall prevail and the said agreement shall be construed as if the Board had been named therein in the place of the corporation ;

(2) The provisions of the said agreement with regard to extensions of mains within the district of the rural council shall if applied within that district apply also mutatis mutandis within the districts of the other constituent authorities ; and

(3) The Board shall supply water to the rural council for flushing sewers and watering roads and for road and street making at the same rate as shall for the time being be charged by the Board for water supplied to the other constituent authorities for like purposes. A.D. 1901.

Financial Provisions.

Power to borrow.

62.—(1) The Board may from time to time borrow at interest any sum or sums of money for the purposes following (that is to say):—

(i) For the purchase of the undertaking of the company and defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Board (other than the costs of this Act) for the redemption of the debenture stock of the company or any part thereof and for the completion of the works authorised by the Southport Water Act 1900 the sum requisite for those purposes;

(ii) For working capital in connexion with the water undertaking of the Board any sum not exceeding fifteen thousand pounds;

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

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

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Board may mortgage or charge the revenue of their water undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect within the districts of the constituent authorities under the powers of this Act.

Mode of raising money.

63. The Board may raise all or any moneys which they are authorised to 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 or others and for the purposes of such issue under the last-mentioned Act the Board shall be deemed a local authority under that Act and the revenue of their undertaking and the moneys receivable by them from the constituent authorities and all rates and moneys which they are authorised to levy and collect shall be deemed to be the local rate as defined by the said Act:

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Provided that the Board shall not invest any moneys standing to the credit of any sinking fund in their own securities and the provisions of this Act in regard to the formation of sinking funds shall apply in substitution for the like provisions of the Local Loans Act 1875.

Provisions of Public Health Act as to mortgages to apply.

64. The following sections of the Public Health Act 1875 shall with the necessary modifications extend and apply to mortgages granted under this Act (that is to say) :—

Section 236 Form of mortgage ;
Section 237 Register of mortgages ;
Section 238 Transfer of mortgages.

Periods for discharge of loans.

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

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

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

As to money borrowed for the purpose (iii) in the said section mentioned within five years from the date or dates of the borrowing of the same ;

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

Mode of payment off of money borrowed.

66. The Board shall pay off all moneys borrowed by them 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 such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall not as regards moneys borrowed for the purposes (i) mentioned in the section of this Act the marginal note whereof is "Power to borrow" be required to be made until the expiration of five years from the day of transfer and as regards all other borrowed moneys shall be made within one year from the time of borrowing the sum in respect of which the payment is made.

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Sinking fund.

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

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

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein after 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 Board being at liberty from time to time to vary and transpose such investments.

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

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

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

(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 equal annual payments to the fund are

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based any such excess may be applied towards such equal 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 Board in addition to the payments provided for by this Act.

(7) If it appears to the Board 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 probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that if it appears to the Local Government Board that any such increase is necessary the Board shall increase the payments to such extent as the Local Government Board may direct.

(8) If the Board 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 accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Local Government Board shall approve.

(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 Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Board may with the consent of that Board discontinue the equal annual payments to such sinking fund until the Local Government Board shall otherwise direct.

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

Protection of lender from inquiry.

68. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any

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

Board not to regard trusts.

69. The Board shall not be bound to see to the execution of any trust whether expressed 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 Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board 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.

70.—(1) The mortgagees of the Board 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 In order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

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

Power to re-borrow.

71. If the Board pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

72.—(1) The treasurer to the Board shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory

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declaration showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Application of money borrowed.

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

Application of moneys arising from sale &c. of land.

74. The proceeds of the sale of any surplus lands of the Board and all moneys received by them by way of fine or premium on any lease and other receipts in the nature of capital other than borrowed moneys shall be distinguished as capital in the accounts of the Board and shall be applied in discharge of moneys borrowed by the Board or in redemption of the debenture stock taken over by the Board but shall not be applied in the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Board may issue stock.

75. The Board shall be deemed to be an urban authority within the meaning of Part V. of the Public Health Acts Amendment Act 1890 and to have adopted that part of the Act and the Board

may exercise their borrowing powers by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained.

Application of water revenue.

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

First In payment of the working and establishment expenses and cost of maintenance of their water undertaking;

Secondly In payment of the interest on the debenture stock of the Company until redemption;

Thirdly In payment of the interest on moneys borrowed by the Board under this Act;

Fourthly In providing the instalments or sinking fund payments required to be provided under this Act;

Fifthly In repayment to the constituent authorities or any of them of the amounts paid by them to make good any deficiency in revenue which may have theretofore been met by such authorities or any of them with compound interest at three pounds per centum per annum with yearly rests;

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

Lastly The surplus (if any) including the interest on the reserve fund when such fund amounts to thirty-five thousand pounds shall from time to time be applied in reduction of the water rents and charges when and as circumstances shall permit the same to be done but the Board may retain in hand at the close of any financial year so much of the surplus as they shall think necessary for the purpose of carrying on the undertaking and paying the current expenses connected therewith.

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Deficiency in revenue of Board to be made good by corporation and urban council.

77.—(1) If in any year there is a deficiency in the net revenue of the Board the Board are hereby authorised and required in every such case forthwith to ascertain and determine the amount of such deficiency and to apportion the same between the corporation and the urban council.

(2) The amount of the deficiency shall be apportioned between the corporation and the urban council in the proportions which the valuations of the respective districts of the corporation and the urban council bear to the total valuations of the said two districts such valuations being ascertained according to the valuation lists for the time being in force for the rate for the relief of the poor.

(3) In order to provide for any such deficiency the Board shall issue precepts to the corporation and the urban council for the amounts so respectively apportioned and the corporation and the urban council respectively shall within two months from the receipt of such precepts pay to the Board the amounts so apportioned to them respectively.

(4) Such amounts respectively shall be paid by the corporation and the urban council out of their respective improvement funds and rates or district funds and general district rates which funds and rates are hereby charged with the payment of the same accordingly and the corporation and the urban council respectively are hereby authorised and required to make and levy any rate that may be necessary for the purposes aforesaid.

(5) If either the corporation or urban council fail to pay any amount so apportioned within the time aforesaid the same shall be a debt due to the Board from the corporation or the urban council as the case may be (herein-after called "the defaulting authority") and shall bear interest till payment at the rate of four pounds per centum per annum and the Board may in addition to all other remedies proceed for recovery thereof in either of the modes following (that is to say):—

(A) The Board may sue the defaulting authority for the amount unpaid in any court of competent jurisdiction:

(B) The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made levied and collected in the like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting authority such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in

consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting authority to account as the defaulting authority would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting authority.

(6) Any receiver appointed under this Act shall be entitled to receive the amounts so apportioned by the Board to the corporation and urban council and in case the Board at any time neglect or refuse to make such apportionment or to recover the same or any part thereof the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by this section conferred on the Board for recovering the amounts so apportioned.

Provisions as to debenture stock of company.

78. The Board may at any time by agreement with the holder of any portion of debenture stock issued by the company redeem such portion either by a cash payment not exceeding the market price for the time being of such stock or by the issue to such holder of such an amount of redeemable stock as will produce an income equivalent to but not exceeding that produced by the portion of debenture stock in question and any debenture stock so redeemed shall be forthwith cancelled and extinguished by the Board.

The Board shall within five years from the day of transfer form and maintain a sinking fund for the redemption within forty-five years from the expiration of such period of five years of so much of the debenture stock of the company as shall then be outstanding and the provisions of the section of this Act whereof the marginal note is "Sinking fund" shall apply to the sinking fund so to be formed and maintained Provided that after the Board are in a position by means of the sinking fund to redeem the amount of debenture stock still outstanding they may apply the income of the sinking fund to any purpose to which the revenue of the water undertaking is applicable.

MISCELLANEOUS.

Judges not disqualified.

79. 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 water rate rent or charge payable to the Board.

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Several sums in one summons.

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

Authentication and service of notices.

81.—(1) Where any notice or demand under this Act requires authentication by the Board the signature of the clerk or other duly authorised officer of the Board or his name affixed to any such notice or demand in print or by a stamp 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.

Recovery of penalties.

82. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Audit.

83. The provisions of section 58 of the Local Government Act 1894 shall apply to the accounts of the Board and of their committees and officers and to the audit thereof Provided that the accounts of the Board shall be made up yearly to the thirty-first day of March in each year.

Inquiries by Local Government Board.

84.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Board shall pay to the Local Government Board any expenses incurred by that Board 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 that Board not exceeding three guineas a day for the services of such inspector.

Costs of Act.

85. All costs charges and expenses preliminary to and of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto incurred jointly or severally by the constituent authorities or any of them subsequent to the eleventh

day of September 1900 as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the corporation and the urban council out of any of their funds or rates in the same proportions as they are required by this Act to contribute to any deficiency in the net revenue of the Board but shall be repaid to the corporation and the urban council by the Board out of the moneys to be borrowed by them under the powers of this Act. A.D. 1901.

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SCHEDULES.

The FIRST SCHEDULE herein-before referred to.

AGREEMENT made the 15th day of July 1901 between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF SOUTHPORT the URBAN DISTRICT COUNCIL OF BIRKDALE and the RURAL DISTRICT COUNCIL OF WEST LANCASHIRE (herein-after called "the Constituent Authorities") of the one part and the SOUTHPORT WATERWORKS COMPANY (herein-after called "the Company") of the other part.

WHEREAS a Bill is now pending in Parliament entitled the Southport Water (Transfer) Act 1901 by which it is proposed to incorporate a joint board to be called the Southport Birkdale and West Lancashire Water Board (herein-after called "the Board") for the purpose (among other things) of acquiring the undertaking of the Company for such sum in gross and on such terms and conditions as may be agreed between the Company and the Board or as failing such agreement may be determined by arbitration:

And whereas the Company presented a petition to the House of Lords against the said Bill and were heard by their counsel agents and witnesses in opposition thereto:

And whereas the Company have presented a petition in the House of Commons against the passing of the said Bill:

And whereas the Constituent Authorities have since agreed with the Company both on behalf of themselves and on behalf of the Board when the same is incorporated to purchase the Company's undertaking on the terms and subject to the conditions herein contained and the Company have agreed to withdraw their opposition to the said Bill:

Now these presents witness that for the considerations herein appearing it is hereby mutually agreed by and between the Constituent Authorities on behalf of themselves and of the Board on the one hand and the Company on the other hand as follows (that is to say):—

1. The Company shall sell and the Board shall purchase for the sum of £756,000 the undertaking of the Company as defined by the said Bill as from the 31st day of March 1902 (herein-after called "the day of transfer").

2. The undertaking of the Company as defined by the said Bill includes all the waterworks engines mains lands buildings machinery and plant and all other the real and personal property assets and effects of whatever nature and all the powers rights and privileges vested in or belonging to or had or enjoyed by the Company at the date of the transfer of their undertaking to the Board except goods in stock and stores and except such books and papers as are not necessary for the conduct of the business of the Board.

3. The Board shall as from the day of transfer take over the existing seventy-one thousand pounds five per cent. irredeemable debenture stock of the Company and shall pay the interest thereon and indemnify the Company against all liabilities in respect thereof.

4. The Board shall on or before the day of transfer pay the said purchase money of seven hundred and fifty-six thousand pounds and all other moneys payable under this agreement or under the said Bill when passed into an Act and if from any cause other than the wilful default of the Company the said purchase money and other sums are not paid by the day of transfer the Board shall pay to the Company interest at the rate of three per centum per annum on all sums of money remaining unpaid after the day of transfer Provided that if under the provisions of the said Bill when passed into an Act the Board shall have agreed to issue to any shareholder of the Company redeemable stock of the Board in lieu of his proportion of purchase money the gross amount of purchase money payable to the Company shall be reduced accordingly.

5. The Board shall on the day of transfer take over and pay for at cost price all the goods in stock and stores in the possession of the Company.

6. The Company shall out of the said purchase money of £756,000 pay and discharge the amount of the capital over expended by them on the 31st day of May 1901.

7. The Company shall on the day of transfer deliver to the Board all books deeds and documents necessary for the proper conduct of the business by the Board.

8. The Company shall after the 31st day of December 1901 give to the officers of the Board the necessary facilities for making themselves acquainted with the conduct of the business of the Company preparatory to the taking over of the undertaking on the day of transfer.

9. The Board shall pay the costs charges and expenses of the Company relating to their opposition to the said Bill and the costs charges and expenses of the negotiation for and the preparation and execution of this agreement and of carrying the same into effect including the costs charges and expenses of and incident to the winding-up of the Company and the distribution of their assets.

10. This agreement is subject to the approval of Parliament and to such alterations as may be made by Parliament therein and shall be scheduled to the said Bill but in the event of either House of Parliament making any material alteration in this agreement it shall be at the option of either party to withdraw from the same.

11. On the faith of this agreement being in all respects specifically performed and observed on the part of the Board the petition of the Company shall be withdrawn and the Company by themselves their officers and servants shall support the Bill by evidence or otherwise if need be and shall use their best endeavours to obtain all the necessary consents of the shareholders so that the Bill may pass in the present session of Parliament.

12. If any question difference or dispute shall arise with reference to this agreement or the construction thereof or as to anything herein contained the same shall be referred to a single arbitrator to be agreed upon between the

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parties or failing agreement to an arbitrator to be appointed by the Local Government Board and the provisions of the Arbitration Act 1889 or any statutory modification thereof shall apply to such reference and arbitrator and to this agreement as if it were a submission to arbitration under that Act.

In witness whereof the Constituent Authorities and the Company have hereunto affixed their respective common seals the day and year first before written.

Passed under the common seal of the borough of Southport in the presence of L.S.

T. ISHERWOOD
Mayor.

T. FISHER
Vice-Chairman of the Finance Committee.

J. ERNEST JARRATT
Town Clerk.

P. J. WHITEHEAD
Borough Treasurer.

The common seal of the urban district council of Birkdale was hereunto affixed in the presence of L.S.

J. BETHAM
Chairman.

JOHN SMALLSHAW
Solicitor and Clerk to the Birkdale Urban District Council.

The common seal of the West Lancashire Rural District Council was hereunto affixed by L.S.

HENRY UNDERWOOD
Chairman.

In the presence of

ALFRED DICKINSON
Clerk.

The common seal of the Southport Waterworks Company was hereunto affixed in pursuance of a resolution of the board of directors of the said Company in the presence of L.S.

SAML. WOODCOCK
Secretary of the said Company.

The SECOND SCHEDULE herein-before referred to. A.D. 1901.

AN AGREEMENT made the tenth day of April one thousand nine hundred between the MAYOR ALDERMEN and BURGESSES of the BOROUGH of SOUTHPORT (herein-after called "the Corporation") of the one part and the RURAL DISTRICT COUNCIL of WEST LANCASHIRE (herein-after called "the Council") of the other part whereby it is agreed as follows :—

1. The Council shall in conjunction with the Corporation oppose the passing into law of a Bill introduced into the House of Commons in the present session of Parliament intituled "A Bill for the granting of further powers to the Southport Waterworks Company" so far as may be necessary with a view to obtaining parliamentary powers for the purchase of the undertaking of the said company by the Corporation either alone or jointly with the Council and the urban district council of Birkdale and with a view to preventing the said company from obtaining powers to create new capital to such an extent as will or may naturally increase the value of their said undertaking.

2. The Corporation undertake in the event of a purchase of the said undertaking being effected by the Corporation either alone or jointly with the urban district council of Birkdale that the following provisions shall after such purchase apply and have effect for the benefit of the Council :—

(A) The rate for the supply of water for domestic purposes exclusive of baths and waterclosets within the rural district shall not exceed the present rate as set out on pages 2 to 9 of the sealed scale of charges herein-after mentioned unless there is a change in the mode of assessment and if the mode of assessment be changed in the borough a like change shall be made in the rural district and the rate thereafter chargeable in the rural district shall not exceed the rate which would be necessary to produce the same sum in respect of a dwelling-house of the same annual value that would be produced by the present rate according to the present mode of assessment ;

(B) The other charges for the supply of water within the district of the Council shall not under any circumstances exceed the present charges as set out on pages 10 to 41 of the sealed scale of charges herein-after mentioned ;

(C) No rate or other charge for the supply of water in the rural district shall at any time exceed the rate or other charge made in respect of the same service within the borough ;

(D) The present rates and charges shall be deemed to be those set forth in the company's official scales dated 8th October 1887 and the 16th July 1898 copies whereof have been annexed hereto and sealed with the respective seals of the parties ;

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(E) Water mains shall be laid without cost to the Council in any part of the district of the Council within the area of water supply when reasonably required by the Council and upon condition that the Council undertake to use their powers and their best endeavours to require all householders along the route of such mains to take a supply of water therefrom ;

(F) The water supplied within the rural district shall on demand of the Council be constantly laid on under such a pressure as will cause it to reach the highest cisterns in the Christ Church district of the parish of Aughton within the rural district and the houses in the neighbourhood thereof and to adequately supply the said Christ Church district and houses and to be sufficient for the extinguishment of fires.

3. If the Corporation shall hereafter erect and use any softening plant or apparatus for softening the water supplied within the borough they shall also soften in a similar manner the water supplied within the rural district.

4. Any question arising between the parties under this agreement or as to whether any requirement under this agreement is reasonable shall be referred to the arbitration of an arbitrator appointed by the Local Government Board and the Arbitration Act 1889 shall apply to such arbitration.

5. This agreement is made subject to the sanction of Parliament and to such alteration therein as either House of Parliament may think fit to make but in the event of either House of Parliament making any material alteration then it shall be in the option of either party to withdraw from the same.

In witness whereof the Corporation and the Council have hereunto affixed their respective common seals the day and year first before written.

The common seal of the West Lancashire Rural District Council was hereunto affixed by

L.S.

HENRY UNDERWOOD
Chairman.

In the presence of

ALFRED DICKINSON
Clerk.

Passed under the corporate common seal of the borough of Southport in the presence of

L.S.

THOS. P. GRIFFITHS
Mayor.

JOHN HATCH
Vice-Chairman of the Finance Committee.

J. ERNEST JARRATT
Town Clerk.

P. J. WHITEHEAD
Borough Treasurer.

The THIRD SCHEDULE herein-before referred to. A.D. 1901.

SOUTHPORT WATERWORKS ACT 1854.

As to supply of water to Improvement Commissioners.

XXIV. That the company shall supply the Southport Improvement Commissioners with water for flushing sewers and watering streets at a rate not exceeding fivepence per one thousand gallons.

Recovery of charges for supply of water.

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

Saving rights of Southport Improvement Commissioners.

XXXVII. That nothing in this Act contained shall alter abridge or prejudicially affect any of the powers rights or duties of the Southport Improvement Commissioners under an Act of the ninth year of the reign of Her present Majesty for paving lighting watching watering cleansing regulating and otherwise improving the town of Southport in the county palatine of Lancaster and for establishing and regulating a market and market places therein or any clause or provision in the said Act contained except so far as the same may be inconsistent with the provisions of this Act.

SOUTHPORT WATERWORKS ACT 1856.

Confirmation of deed executed by Charles Scarisbrick Esq. and the company.

XII. The deed bearing date the twenty-fourth day of December one thousand eight hundred and fifty-five made and executed by and between Charles Scarisbrick Esquire of the first part the Southport Waterworks Company of the second part and Thomas Part of the third part relating amongst other matters and things to the construction and maintenance of certain works of the company on lands of the said Charles Scarisbrick is hereby confirmed and shall henceforth be as valid and effectual as though the contents of the same had been enacted by this Act.

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SOUTHPORT WATERWORKS ACT 1867.

Water to be laid on in Southport at a certain pressure.

XXIV. From and after the completion of the works by this Act authorised the water supplied by the company within the town of Southport shall be constantly laid on at such a pressure as will make the water ascend to a height of sixty-two feet above the level of the pavement of the street wherein any dwelling-house supplied by the company in the town of Southport is situated.

For the protection of the Lancashire and Yorkshire Railway Company.

XXVI. In constructing and maintaining the works by this Act authorised affecting the Lancashire and Yorkshire Railway Company the company shall be subject to the following conditions namely :—

All works affecting the Lancashire and Yorkshire Railway shall be executed at the expense of the company under the superintendence and to the satisfaction of, the engineer for the time being of the Lancashire and Yorkshire Railway Company and according to plans and specifications previously submitted to the said engineer If the engineers of the company and of the Lancashire and Yorkshire Railway Company differ concerning the said plans or specifications or concerning the method in which the said works are executed all such differences shall be settled by an engineer to be appointed by the two engineers or if they cannot agree upon a referee then by an engineer to be appointed by the Board of Trade on the application of either company The said works shall be constructed and maintained so that the traffic upon the Lancashire and Yorkshire Railway shall not be in anywise impeded The company shall acquire only an easement in and upon such of the land and property of the Lancashire and Yorkshire Railway Company as may be necessary for constructing and maintaining the main pipes hereby authorised to be laid If by reason of the construction and maintenance of the works by this Act authorised the Lancashire and Yorkshire Railway or any of the works connected therewith shall be damaged or injured the company shall compensate the Lancashire and Yorkshire Railway Company for any loss or expense occasioned thereby The amount to be paid to the Lancashire and Yorkshire Railway Company for the acquisition of an easement upon their land and property as herein-before provided including the compensation (if any) for damage or injury to the railway company or their railway and works shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of land otherwise than by agreement.

Supply of water for public purposes to Birkdale.

XXVII. The company shall supply the Birkdale Local Board with water for flushing sewers and watering streets at a rate not exceeding fivepence per one thousand gallons.

Saving rights of Birkdale Local Board.

XXVIII. Nothing in this Act shall take away lessen prejudice or affect any of the estates rights jurisdictions powers or privileges of the Birkdale Local Board.

SOUTHPORT WATERWORKS ACT 1878.

For protection of Lancashire

6. In constructing and maintaining the works by this Act authorised affecting the Lancashire and Yorkshire Railway or any works or lands of the

Lancashire and Yorkshire Railway Company connected therewith the company shall be subject to the following conditions namely :—

and Yorkshire Railway Company.

1. All works crossing or affecting the said railway or the said works and lands or any part thereof shall be executed at the expense of the company under the superintendence and to the satisfaction of the engineer for the time being of the Lancashire and Yorkshire Railway Company according to plans sections and specifications previously submitted to him :

2. If the engineers of the company and of the Lancashire and Yorkshire Railway Company differ concerning the said plans sections and specifications or concerning the execution of the said works every such difference shall be settled by an engineer to be appointed by the said two engineers or (if they cannot agree on such appointment) then by an engineer to be appointed by the Board of Trade on the application of either party :

3. The said works shall be constructed and maintained so that the traffic upon the said railway shall not be in anywise impeded or interfered with :

4. The company shall acquire only an easement in and upon such of the works lands and property of the Lancashire and Yorkshire Railway Company as may be necessary for constructing and maintaining the aqueducts or lines of pipes by this Act authorised to be laid :

5. If by reason of the construction or maintenance of the works by this Act authorised the railway of the Lancashire and Yorkshire Railway Company or any of the works or lands connected therewith shall be damaged or injured or the traffic thereon impeded the company shall make full compensation for any loss or expense occasioned thereby :

6. The amount to be paid for the acquisition of an easement under the said railway works and lands as herein-before provided including the compensation (if any) for damage or injury to the said railway works and lands respectively or impediment to the traffic thereon shall from time to time be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

Saving rights of justices of the peace for the county palatine of Lancaster.

32. Nothing herein contained shall tend to lessen or control any right power or authority now vested in the justices of the peace for the county palatine of Lancaster for altering or rebuilding any bridge and the lengths of roadway adjacent thereto repairable by the inhabitants of the said county or any hundred therein which may be crossed or affected by the works of the company but all such rights powers and authorities shall remain in as full force as if this Act had not passed and the said justices shall not be liable to make any compensation whatever for any damage or injury to the company by the altering or rebuilding of any such bridge and lengths of roadway adjacent thereto Provided that in altering or rebuilding such bridge or lengths of roadway adjacent thereto nothing shall be done to impede or interfere with the works of the company for any greater length of time or in

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any other manner than shall be necessary for the execution of the works and before commencing such alteration or rebuilding ten days' notice thereof shall be given to the company and the said justices shall afford to the company all necessary and reasonable temporary facilities for enabling them to continue the supply of water during such alteration or rebuilding If any bridge repairable by the inhabitants of the said county or of any hundred therein upon or along which any pipe of the company is laid be altered or rebuilt by the justices of the said county the said justices may require the company to alter any such pipes in such manner as the circumstances of the case may reasonably require Provided that in case of any difference between the said justices and the company as to such alteration the same shall be referred to an arbitrator to be agreed upon between the parties or to be appointed for that purpose by the Board of Trade on the application of either party.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
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