CHAPTER clxix.

An Act to empower the mayor aldermen and burgesses of the county borough of Stockport to construct new reservoirs and other works in connection with their water undertaking to construct a new road in the said borough to acquire lands and for other purposes. A.D. 1930.

[1st August 1930.]

WHEREAS the county borough of Stockport (in this Act referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation"):

And whereas by the Stockport Corporation Water Act 1899 and divers other Acts the Corporation are the owners of waterworks and are empowered and required to supply water to the inhabitants of the borough and a considerable area in the neighbourhood thereof:

And whereas the Corporation are advised that their existing sources of supply and waterworks are or will at an early date prove inadequate to meet the requirements of the borough and the other places within which the Corporation supply water:

And whereas it is expedient that the Corporation should be authorised to construct the new reservoirs and other works referred to in this Act and to acquire lands

A.D. 1930.

and easements for the purposes thereof and for the general purposes of their water undertaking:

And whereas it is expedient to increase certain of the rates and charges which the Corporation are authorised to demand and take under the provisions of the Stockport District Waterworks Act 1861 the Stockport Corporation Water Act 1899 and the Order of the Minister of Health dated the eighth day of March nineteen hundred and twenty-one made in pursuance of the Stockport Order 1920 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 2) Act 1920 or some of those rates and charges so as to ensure that the water undertaking of the Corporation shall not be carried on at a loss and that the burden of the deficiency in the revenues and receipts of the Corporation in respect of the said undertaking which hitherto has been borne by the ratepayers of the borough shall be spread equally over the water consumers for domestic purposes throughout the Corporation's limits of water supply:

And whereas the street traffic in the centre of the borough is very greatly congested and in order to relieve such congestion it is expedient that the Corporation be empowered to construct a new arterial road over and along the course of part of the river Mersey and for such purpose to cover in and use parts of the banks bed and channels of the said river:

And whereas it is expedient to authorise the Corporation to acquire lands and easements for and in connection with the said new road and the works connected therewith and for other purposes of the Corporation:

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

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

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

	£
For and in connection with the construction of the waterworks authorised by this Act - - - - -	951,586

	£
For and in connection with the purchase of lands and easements for the said waterworks - - - - - -	40,000
For and in connection with the construction of the new road authorised by this Act - - - - - -	185,000
For and in connection with the purchase of lands and easements for the purposes of the said new road - -	25,000

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

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands which the Corporation may acquire under this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties of Lancaster Chester and Derby respectively which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Stockport Corporation Act 1930.

Division of Act into Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.

Part II.—Waterworks and water supply.

A.D. 1930.

Part III.—New road.
Part IV.—Lands.
Part V.—Financial and miscellaneous.

Incorporation of Acts.

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

(1) The Lands Clauses Acts with the following exceptions and modifications :—

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

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

(2) The Waterworks Clauses Act 1847 except—

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

(*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 section 83 relating to accounts :

Provided that for the purposes of the application of the said Act to the Corporation section 35 thereof shall be read and construed as if the words " one-eighth part " were substituted therein for the words " one-tenth part " :

(3) Sections 13 to 21 of the Waterworks Clauses Act 1863 :

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

during the construction thereof and in such provisions for the purposes of this Act "the railway" means the waterworks and new road authorised by this Act and "the centre of the railway" means the centres of such waterworks and new road respectively.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1926 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

"The borough" means the county borough of Stockport;

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

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

"The town clerk" means the town clerk of the borough and includes any person duly authorised to discharge temporarily the duties of that office;

"The water undertaking" means the water undertaking of the Corporation as from time to time authorised;

"The Act of 1861" "the Act of 1899" "the Act of 1901" and "the Act of 1905" mean respectively the Stockport District Waterworks Act 1861 the Stockport Corporation Water Act 1899 the Stockport Corporation Water Act 1901 and the Stockport Corporation Act 1905;

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

"The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

A.D. 1930.

"Statutory borrowing power" shall have the same meaning as that assigned to it by the Stockport Corporation Act 1899;

"Statutory security" shall have the same meaning as that assigned to it by the Stockport Corporation Act 1899;

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

"The Minister" means the Minister of Health.

(3) In the construction of the provisions of the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act the expressions "the promoters of the undertaking" "the company" and "the undertakers" mean respectively "the Corporation."

PART II.

WATERWORKS AND WATER SUPPLY.

Power to make waterworks.

5.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works hereinafter described or referred to.

(2) The said works will be situate in the counties of Chester and Derby and are—

Work No. 1 A reservoir hereinafter called "the Errwood reservoir" to be situate in the parishes of Taxal and Hartington Upper Quarter and to be formed by a dam across the river Goyt at a point on that river 158 yards or thereabouts measured in a south-westerly direction from the south-western corner of the most south-western building of the farmstead known as Bunsal Farm;

Work No. 2 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Taxal commencing in the river Goyt at a point 120 yards or thereabouts measured in a southerly direction and terminating in that river at a point 83 yards or thereabouts measured in a northerly direction from the point already described where the dam of the Errwood reservoir will cross the river Goyt;

Work No. 3 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Hartington Upper Quarter commencing at a point in the Errwood reservoir at or near the eastern end of the dam thereof and terminating at a point in the river Goyt 83 yards or thereabouts measured in a northerly direction from the point already described where the dam of the Errwood reservoir will cross the river Goyt;

Work No. 4 A reservoir hereinafter called " the Fernilee reservoir " to be situate in the said parishes of Taxal and Hartington Upper Quarter and the parish of Fernilee to be formed by a dam with a public road thereon across the river Goyt at a point on that river 413 yards or thereabouts measured in a north-westerly direction from the north-western corner of the dwelling-house of the farmstead known as Shawstile Farm;

Work No. 5 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Taxal commencing in the river Goyt at a point 133 yards or thereabouts measured in a south-westerly direction and terminating in the same river at a point 83 yards measured in a northerly direction from the point already described where the dam of the Fernilee reservoir will cross the river Goyt;

Work No. 6 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Fernilee commencing at a point in the Fernilee reservoir at or near the eastern end of the dam thereof and terminating at a point in the river

A.D. 1930.

Goyt 83 yards or thereabouts measured in a northerly direction from the point already described where the dam of the Fernilee reservoir will cross the river Goyt;

Work No. 7 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Taxal commencing in the stream known as Mill Clough in Ladbitch Wood at a point 470 yards or thereabouts measured in a westerly direction from the south-western corner of the most western building of the farmstead known as Normanwood and terminating at a point in the Fernilee reservoir at or near the western end of the dam thereof;

Work No. 8 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Fernilee commencing in the stream unnamed (rising near the farmstead known as Wythen Lache and flowing westwards to the river Goyt) at a point 297 yards or thereabouts measured in a south-easterly direction from the point where the said stream enters the river Goyt and terminating in the Fernilee reservoir at or near the eastern end of the dam thereof;

Work No. 9 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Taxal the parish of Disley the urban district of Yeardsley-cum-Whaley the said parish of Fernilee the parish of Chapel-en-le-Frith and the urban district of New Mills commencing by a junction with and at the point of termination of Work No. 2 hereinbefore described and terminating in the service reservoir Work No. 10 hereinafter described;

Work No. 10 A service reservoir hereinafter called "the Parkgate reservoir" to be situate in the field numbered 564 in the said parish of Disley as shown on the Ordnance map scale $\frac{1}{2500}$ Cheshire sheet XX. 14 edition of 1909.

Work No. 11 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Taxal commencing in the river Goyt 913 yards or

thereabouts measured in a south-easterly direction from the south-eastern corner of the dwelling-house known as Deep Clough Cottage and terminating in the reservoir known as the Mill Dam near Goytsclough Mill;

Work No. 12 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Taxal commencing in the stream known as Deep Clough at a point 190 yards or thereabouts measured in a southerly direction from the south-eastern corner of the said dwelling-house known as Deep Clough Cottage and terminating in the said reservoir known as the Mill Dam;

Work No. 13 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Taxal the said urban district of Yeardsley-cum-Whaley and the said parishes of Disley Hartington Upper Quarter Fernilee and Chapel-en-le-Frith commencing in the said reservoir known as the Mill Dam and terminating in a small ancillary service tank to be provided in the field numbered 32 in the said parish of Disley as shown on the Ordnance map scale $\frac{1}{2500}$ Cheshire sheet XXIX. 3 edition of 1909;

Work No. 14 An aqueduct conduit or line or lines of pipes to be situate in the said parishes of Hartington Upper Quarter and Fernilee commencing at the existing reservoir of the rural district council of Chapel-en-le-Frith near Bunsal Farm and terminating at and by a junction with the existing pipe of the said rural district council 70 yards or thereabouts measured in a northerly direction from the point where the dam of the Fernilee reservoir will cross the river Goyt;

Work No. 15 A private carriageway to be situate in the said parish of Fernilee commencing at the eastern end of the public road over the dam of the Fernilee reservoir and terminating in the public road from Stockport to Buxton at a point 90 yards or thereabouts measured in a north-westerly direction from the north-western corner of the dwelling-houses known as Goytvale Cottages;

A.D. 1930.

Work No. 16 A public road to be situate in the said parish of Fernilee commencing in the existing road or cart track reputed to be public from the farmstead known as Shawstile Farm to the bridge over the river Goyt at Fernilee Mills and terminating at and by a junction with the eastern end of the public road over the dam of the Fernilee reservoir;

Work No. 17 A public road to be situate in the said parish of Taxal commencing at and by a junction with the western end of the public road over the dam of the Fernilee reservoir and terminating in and by a junction with the existing road or cart track reputed to be public from the farmstead known as Oldfield to the bridge over the river Goyt at Fernilee Mills;

Work No. 18 A public road to be situate in the said parish of Taxal commencing at and by a junction with the existing public road between Goytsclough Mill and Goyt's Bridge and terminating at and by a junction with the public road known as "The Street" from Goyt's Bridge;

Work No. 19 A public road to be situate in the said parishes of Hartington Upper Quarter and Taxal commencing at and by a junction with the public road known as Goyt's Lane and terminating at and by a junction with Work No. 18 hereinbefore described;

Work No. 20 A private carriageway to be situate in the said parish of Taxal commencing at and by a junction with the existing private entrance drive to Errwood Hall and terminating at and by a junction with Work No. 18 hereinbefore described;

Work No. 21 A private carriageway to be situate in the said parish of Taxal commencing at and by a junction with the public road known as "The Street" from Goyt's Bridge and terminating at the western end of the dam of the Errwood reservoir;

Work No. 22 An aqueduct conduit or line or lines of pipes to be situate in the said parish of

Disley and in the urban district of Marple commencing in the Parkgate reservoir and terminating at or by a junction with a pipe of the Corporation situate in the public road between Stockport and Disley.

Subsidiary waterworks.

6. In addition to the waterworks in this Part of this Act described the Corporation may subject to the provisions of this Act upon any lands shown on the deposited plans and acquired by them make and maintain all such cuts channels adits catchwaters aqueducts culverts tunnels drains sluices bye-washes overflows washouts weirs gauges tanks filter-houses filter-beds embankments bridges roads approaches telegraphic and telephonic apparatus engines pumps machinery appliances apparatus and conveniences connected with or ancillary to the said works or necessary for inspecting maintaining repairing cleansing managing working or using the same or required for the purposes of the water undertaking but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them:

Provided that no telegraphic or telephonic apparatus made and maintained under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Stopping up roads footpaths &c.

7. Subject as hereinafter provided the Corporation may within the area edged green on the signed plan hereinafter in this section referred to stop up and discontinue for public use all roads carriageways cart tracks bridle paths footpaths or routes over which public rights of passage may at the date of the passing of this Act exist which area edged green is situate within the limit of land to be acquired and upon the stopping up and discontinuance of such roads carriageways cart tracks bridle paths footpaths or routes over which public rights of passage may at the date of the passing of this Act exist the sites and soil thereof shall by this Act be vested in the Corporation:

Provided that before stopping up and discontinuing any such roads carriageways cart tracks bridle paths footpaths or routes the Corporation shall construct such

A.D. 1930.

public roads (Works Nos. 4 16 17 18 and 19) and dedicate the site of such footpaths for public use as are shown by red lines within the area edged green upon the said signed plan whether the said red lines follow the route of any existing road or footpath respectively or are situate upon new sites and the Corporation shall permit the Peak District and Northern Counties Footpaths Preservation Society to provide and erect notice boards upon appropriate sites for the guidance of the public which boards shall be subject to the reasonable approval of the Corporation.

The signed plan hereinbefore in this section referred to is the plan signed in duplicate by Joseph Gibbins Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which plan has been deposited in the Committee and Private Bill Office of the House of Commons and the other copy in the Parliament Office in the House of Lords.

Limits of deviation for waterworks.

8. In constructing the works by this Part of this Act authorised the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and may also deviate from the levels shown on the deposited sections to any extent not exceeding four feet upwards and to any extent downwards Provided that if it be found necessary or expedient in the construction of the reservoirs by this Act authorised to alter the situation of any dam or embankment the Corporation shall not construct such dam or embankment of a greater maximum height above the general surface of the ground than three feet above the maximum height thereof shown on the deposited sections and that no part of the aqueducts by this Part of this Act authorised shall be constructed above the surface of the ground except so far as is shown on the deposited sections.

Power to take waters.

9. Subject to the provisions of this Act the Corporation may for the purpose of their waterworks take collect use and appropriate the waters of the following streams namely the river Goyt Berry Clough Foxhole

Hollow Deep Clough Stake Clough Shooters Clough Wildmoorstone Brook Nell Hole Jep Clough Deep Clough Mill Clough and their respective tributaries and all such streams springs and waters as can be taken or collected by the waterworks authorised by this Act and any works ancillary thereto.

As to compensation water.

10.—(1) During the construction and until the date of the completion of the Fernilee reservoir or Errwood reservoir whichever shall be first completed the Corporation may take appropriate and use from the river Goyt any water they may require for the purposes of the water undertaking subject to the following restrictions:—

(*a*) They shall place and maintain a weir and an automatically self-recording measuring gauge across the said river at or near the site of the dam of the Errwood reservoir (Work No. 1) by this Act authorised through an aperture in which two million gallons of water shall be allowed to pass or flow down the said river every twenty-four hours;

(*b*) On any such day of twenty-four hours during such time as the flow of water in the said river at the said weir shall be less than at the rate of two million gallons per day of twenty-four hours the Corporation shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the Corporation may take all or such part of the excess as they may require.

(2) After the first of the said two reservoirs is completed the following provisions shall apply:—

(*a*) From and after the completion and bringing into use of the Fernilee reservoir and until the completion and bringing into use of the aqueducts conduits line or lines of pipes Works Nos. 7 and 8 by this Act authorised the Corporation shall cause to flow as nearly as possible in a regular and continuous flow from and out of the Fernilee reservoir or the works immediately connected therewith into the river Goyt a quantity of water per day of twenty-four hours on every day in the year equivalent

A.D. 1930.

to one three hundred and sixty-fifth part of one-third of the annual available rainfall determined as provided in the section of this Act of which the marginal note is "Ascertainment of rainfall for purposes of compensation water" for the drainage area of Works Nos. 1 and 4;

(*b*) If the completion and bringing into use of the Errwood reservoir should precede the completion and bringing into use of the Fernilee reservoir then the Corporation shall until the said Fernilee reservoir is completed and brought into use but not thereafter cause to flow as nearly as possible in a regular and continuous flow from and out of the Errwood reservoir or the works immediately connected therewith into the river Goyt a quantity of water per day of twenty-four hours on every day in the year equivalent to one three hundred and sixty-fifth part of one-third of the annual available rainfall determined as aforesaid for the drainage area of the Errwood reservoir;

(*c*) From and after the completion and bringing into use of the aqueducts conduits line or lines of pipes Works No. 7 and 8 by this Act authorised the quantity of water to be discharged into the river Goyt from the Fernilee reservoir or the works immediately connected therewith as hereinbefore provided shall be increased by an additional quantity of water per day of twenty-four hours on every day in the year equivalent to one three hundred and sixty-fifth part of one-third of the annual available rainfall determined as aforesaid for the drainage areas of which the yield of water is intercepted by the said Works Nos. 7 and 8 by this Act authorised :

Provided that during the first filling of the aforesaid reservoirs respectively the Corporation shall not subject however to the provisions of subsection (1) of this section collect and impound any of the waters of the river Goyt and its tributaries whenever a less quantity than the quantities of water hereinbefore specified to be discharged or to be caused to flow from those

reservoirs respectively shall be passing down the said river immediately below the outlet of the said reservoirs respectively:

Provided further that during such first filling as aforesaid whenever an amount of water in excess of the quantities of water so specified is passing down the said river as aforesaid the Corporation shall be entitled to collect or impound only the excess above such quantities respectively;

(*d*) For the purpose of measuring the quantity of water to be so caused to flow by the Corporation into the river Goyt they shall cause to be erected and shall maintain at some points on the said river below the Fernilee reservoir or below the Errwood reservoir as the circumstances of the case may require and not more than two hundred yards therefrom respectively a sufficient automatically self-recording gauge for measuring the quantity of water to be discharged or to flow as aforesaid and such gauges and the weir and measuring gauge referred to in subsection (1) of this section shall be open to the inspection and examination of the joint committee of the rivers Mersey and Irwell (in this section referred to as "the joint committee") and of all persons interested in the flow of the water in the said river.

(3) If the Corporation commit any breach of any of the foregoing provisions of this section they shall for every day on which such breach occurs forfeit and pay to each of the persons affected by such breach including the joint committee who may sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them by reason of such breach the amount of such compensation in case of non-agreement to be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

(4) If any difference shall arise between the Corporation and the joint committee or any person interested in the flow of the water in the said river with respect to the construction maintenance or use of any of the said gauges

A.D. 1930.

or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be appointed unless otherwise agreed on the application of either of them by the President of the Institution of Civil Engineers.

(5) The provisions of section 24 (Millowners may repair gauges if Corporation fail to do so) of the Act of 1901 shall apply to and in respect of the gauges mentioned in this section and the Corporation shall keep records of the quantity of water passing through the said gauges and such records shall be deposited at the town hall Stockport and shall be open to the inspection at all reasonable times of the joint committee and of all persons interested therein who shall be entitled to take copies thereof free of charge.

(6) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Corporation are by this Act authorised to divert collect impound or appropriate by means of the waterworks by this Act authorised.

Ascertainment of rainfall for purposes of compensation water.

11.—(1) For the purposes of this section there shall be two referees one of whom shall be appointed by the President of the Royal Meteorological Society and the other by the President of the Institution of Civil Engineers on the application of the Corporation and so from time to time and an umpire shall be appointed by the two referees to decide any matters of difference which may arise under this section between the two referees and in case they differ as to such appointment or if the umpire so appointed should die or refuse or become incapable to act an umpire shall be appointed by the said presidents.

(2) Immediately after the passing of this Act the referees shall at the cost of the Corporation cause to be erected and thenceforward maintained during the six years next following the first day of January one thousand nine hundred and thirty-one such number of rain gauges and in such positions upon the drainage area of each of Works Nos. 1 4 7 and 8 by this Act authorised as they shall think fit and within six months after the termination of the said six years they shall determine the amount of the available rainfall for each of the said areas having regard to all the circumstances of each case.

(3) The referees shall sign a statement of the amount of the available rainfall for each of the said areas as so determined and such statement shall be published by the Corporation in the London Gazette and in one or more newspaper or newspapers published respectively in the counties of Derby Chester and Lancaster within one month after the amount of available rainfall has been determined as aforesaid The production of the London Gazette containing such statement shall be prima facie evidence of such determination.

(4) The referees shall at the end of each year furnish to the Corporation full and accurate returns of the amount of rainfall shown by each of the said gauges.

For protection of Calico Printers' Association and Bleachers' Association.

12. For the protection of the Calico Printers' Association Limited and Bleachers' Association Limited respectively the following provisions shall apply and have effect unless otherwise agreed between the said associations and the Corporation:—

(1) The gauges mentioned in the section of this Act of which the marginal note is "As to compensation water" shall be of the notch type with level peg and shall be maintained by the Corporation in an efficient condition:

(2) The Corporation shall supply the said associations with keys of premises in which the said gauges shall be placed:

(3) Upon the receipt of the returns referred to in subsection (4) of the section of this Act of which the marginal note is "Ascertainment of rainfall for purposes of compensation water" the Corporation shall supply copies of such returns to the said associations:

(4) The Corporation shall not in the exercise of any of the powers of this Act cast or suffer to be cast or washed and shall so far as may be reasonably practicable prevent from being cast or washed into any stream goit watercourse reservoir or other source from which water is directly or indirectly supplied to the Botany Bleach Works of the said Bleachers' Association Limited or to the Bingswood Furness Vale Strines or Chadkirk Print Works of the said Calico Printers'

A.D. 1930.

Association Limited any mud silt sludge or other deposit or material brought on disturbed in taken out of or removed from any of the works by this Part of this Act authorised or any deleterious or offensive or polluting matter in suspension or solution.

For further protection of Calico Printers' Association Limited.

13. For the protection of the Calico Printers' Association Limited their successors and assigns (each of whom is in this section referred to as "the association") the following provisions shall unless otherwise agreed between the Corporation and the association apply and have effect (that is to say):—

Before the Corporation shall take collect use or appropriate any water under the powers of this Part of this Act they shall pay to the association the sum of four thousand five hundred pounds.

For further protection of Bleachers' Association Limited.

14. Notwithstanding anything contained in this Act the following provisions for the protection of Bleachers' Association Limited their successors and assigns (all of whom are in this section included in the expression "the association") shall unless otherwise agreed between the Corporation and the association apply and have effect (that is to say):—

(1) If during any day after the Corporation shall have first taken collected used or appropriated any water under the powers of this Act for supply purposes the association shall require to use their existing water power plant (or water power plant substituted therefor not exceeding in consumption of water the existing water power plant) at Botany Works and shall be unable to do so by reason of the deficiency of the flow of the river Goyt available for the said water power plant at such works after allowing for the water taken by the association for process condensing and other purposes provided that the existing quantity of water so taken shall not be appreciably increased then the Corporation shall pay to the association the sum of one pound in respect of each such day:

Provided that during the period of five years immediately following the said first taking collecting using or appropriating the Corpora-

tion shall make to the association at the end of each year of the said period a commuted payment of one hundred and twenty pounds:

(2) The association shall not be entitled to any such payment as aforesaid in respect of any period during which they shall not have maintained in a proper state of repair and condition their existing gauge weir across the said river and existing automatic recording apparatus immediately above the intake to the goit supplying the said Botany Works for measuring the quantity of water passing down the said river at their said works or during which they shall not have kept records of the quantity of water passing over the said weir and deposited such records at the head office of the association:

(3) The said records and the said weir and apparatus and the said water power plant shall at all reasonable times be open to the inspection of the Corporation and any person appointed by them:

(4) (*a*) If at any time within three months prior to the expiration of the said period of five years and of any subsequent period of five years the Corporation or the association give notice in writing to the other of their desire to vary the provisions of subsection (1) of this section on the ground that such provisions have operated unfairly the question of such variation shall unless otherwise agreed be referred to and determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration;

(*b*) In the event of any such variation as aforesaid being agreed or determined as aforesaid subsection (1) of this section shall as from such date as may be agreed or determined in the award of the arbitrator be read and have effect as if the provisions so agreed or determined had been inserted in that subsection except the provision as to the said commuted payment:

A.D. 1930.

(5) If the use of water at the said Botany Works for power purposes by means of water power plant shall be permanently discontinued the provisions of this section shall become void and of no effect :

(6) In this section " existing " means existing on the twenty-fifth day of March one thousand nine hundred and thirty.

Prevention of plumbism.

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

Liability for damage and injury.

16. Where damage or injury is caused or threatened by the escape of water from any of the reservoirs constructed under the powers of this Act the fact that the reservoir was so constructed shall not exonerate the Corporation from any indictment action or other proceedings to which they would otherwise have been liable.

For preservation of scenery.

17.—(1) In the execution maintenance and working of the works authorised by this Part of this Act in the valley of the river Goyt lying southwards of the village of Taxal all reasonable regard shall be had to the preservation as well for the public as for private owners of the beauty of the scenery of the said valley and particularly but without prejudice to the generality of this enactment provision shall be made by the Corporation that all mounds of surplus material and spoil arising from or in the course of the construction of the said works shall as soon and as far as practicable be suitably planted with trees which shall when necessary be from time to time renewed by the Corporation Provided that the covering of the mounds of surplus material and spoil with grass or other vegetation so that the same may not disfigure the scenery shall be deemed a sufficient compliance with this enactment with respect to such mounds.

(2) Upon any complaint by the county council of the county palatine of Chester or of the county of Derby to a court of summary jurisdiction of the county of Chester or the county of Derby of any breach by the Corporation of

the provisions contained in this section the court may investigate the matter of such complaint and thereupon make such order including an order as to costs to be paid by either party as the court may think just and the court for the purposes of making such investigation and of making and enforcing such order shall have and exercise all such of the powers contained in the Summary Jurisdiction Acts as are applicable for the purposes aforesaid.

(3) Either party who think themselves aggrieved by any such order may appeal therefrom subject to the following conditions:—

(*a*) The appeal shall be made to the next practicable court of quarter sessions for the county of Chester or the county of Derby as the case may be holden not less than twenty-one days after the decision from which the appeal is made;

(*b*) The appellants shall within ten days after the decision from which the appeal is made give notice in writing to the other party of their intention to appeal and of the ground thereof;

(*c*) The court of quarter sessions may adjourn the appeal and upon the hearing thereof they may confirm reverse or modify the decision appealed from or make such further order in the matter as the court may think just and such order may be enforced in the same way as any other order of a court of quarter sessions and the court may also make such order as to costs incurred both before them and before the justices as the court may think just.

Period for completion of works.

18. If the works by this Part of this Act authorised are not completed within fifteen years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of such respective works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Discharge of water into streams.

19.—(1) For the purpose of constructing enlarging extending repairing cleansing emptying or examining any work by this Part of this Act authorised the Corporation may cause the water in any such work to be discharged into any available stream or watercourse Provided that any water so discharged shall so far as may

A.D. 1930.

be reasonably practicable be free from mud or solid or polluting or offensive matter.

(2) In the exercise of the powers conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration under and pursuant to the provisions of the Arbitration Act 1889.

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

Limiting powers of Corporation to abstract water.

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

For protection of John Stafford Nuttall.

21. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions for the protection of John Stafford Nuttall his heirs successors and assigns for the time being entitled in possession whether for life or any greater estate to the estate known as White Hall Long Hill Buxton in the county of Derby (hereinafter in this section called "the owner") shall unless otherwise agreed in writing between the Corporation and the owner have effect:—

(1) The Corporation shall not acquire or take any land of the owner but may acquire from the owner such facilities as the Corporation may require for the construction of the works authorised by this Part of this Act the right to enter upon the lands of the owner forming part of the said estate for the purpose of inspecting the same in order to prevent pollution of the water of the Corporation and the right to prohibit the use of the said lands for building purposes without the consent of the Corporation:

(2) The Corporation shall not in any way interfere with the water supply to the said estate but shall preserve the same as fully and effectually as it existed at the date of the passing of this

A.D. 1930.

Act and in the situation in which it existed at the said date:

(3) There shall be reserved to the owner the use and privilege of drainage of the said estate and the farm buildings and lands forming part thereof as enjoyed at the date of the passing of this Act and if any alterations of or works interfering with such drainage are required by the Corporation in order to prevent pollution of the Corporation's water the cost of carrying out such alterations and works and of doing any other acts in order to provide an adequate and sufficient drainage of the said estate and such farm buildings and lands shall be borne and paid by the Corporation and the Corporation shall carry out such alterations and works in accordance with plans and sections to be previously reasonably approved by the owner and to the reasonable satisfaction of the owner The owner will grant the Corporation free of cost the necessary easements and facilities in and over his lands for the performance of the obligations of the Corporation under this subsection:

(4) The Corporation shall not acquire any mines or minerals or any sporting rights over any part of the said estate of the owner but the owner and his tenants and lessees shall be entitled to exercise the exclusive rights of sporting on any parts of the said estate:

(5) The Corporation shall take all reasonable precautions and measures for the protection of the game and for the prevention of persons trespassing upon the lands forming part of the said estate of the owner during the construction of the works by the Corporation in the locality of the said estate and for the purposes of this subsection the Corporation shall during the period aforesaid employ a competent person to act as keeper or watcher:

(6) The Corporation shall pay to the owner in respect of the rights acquired from him and in respect of any damage to his said sporting rights such sum as may be agreed between the Corporation

A.D. 1930.

and the owner or as failing agreement may be determined by arbitration in accordance with the provisions of the Lands Clauses Acts:

(7) There shall be reserved to the owner the use and privilege of all lands forming part of the said estate retained by him for farming and other agricultural purposes as exercised at the date of the passing of this Act.

For protection of William Henry James Winstanley.

22. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions for the protection of William Henry James Winstanley his heirs successors and assigns for the time being entitled in possession whether for life or any greater estate to the estates known as Normanwood Knipe and Hillbridge in the parish of Taxal in the county of Chester (hereinafter in this section called "the owner") shall unless otherwise agreed in writing between the Corporation and the owner have effect:—

(1) The Corporation shall subject and except as hereinafter mentioned acquire the whole of the estates of the owner known as Normanwood Knipe and Hillbridge in the parish of Taxal aforesaid:

(2) The right of shooting and fishing over the whole of the said estates so acquired by the Corporation except such portions thereof as shall form the site of the reservoir embankments or structural works or buildings shall be reserved to the owner Provided that in the exercise of such rights the waters of the Corporation shall not be fouled or the works of the Corporation injuriously affected and nothing herein contained shall prejudice or interfere with the full and free use and enjoyment by the Corporation of the lands acquired from the owner for the purposes of this Act and the works by this Part of this Act authorised for the collection storage and supply of water:

(3) The Corporation shall take all reasonable precautions and measures for the protection of the game and for the prevention of persons trespassing upon the lands acquired from the owner

during the construction of the works by the Corporation in the locality of the said lands and shall pay to the owner a sum at the rate of twenty-five pounds per annum for the whole or any portion of the time during which the Fernilee reservoir Ladbitch catchwater and ancillary works are being constructed as compensation in respect of the interference with the fishing and sporting rights of the owner during such period and a further lump sum of fifty pounds in respect of certain works executed by him in connection with the improvement of his fishing rights:

(4) The Corporation shall grant to the owner a right of way for vehicles (not exceeding in weight five tons laden) and pedestrians over the road which is to be constructed under the powers of this Part of this Act across the dam of the Fernilee reservoir to the public highway leading to Buxton Road.

For protection of Jodrell Estate.

23. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions for the protection of Dorothy Lynch Ramsden-Jodrell wife of Henry Ramsden-Jodrell the tenant for life under the provisions of a settlement called the Jodrell Estate Settlement and the said Henry Ramsden-Jodrell and Thomas Clayton Toler the trustees under the said settlement their successors in estate and assigns for the time being entitled in possession whether for life or for any greater estate to the said estate (all of whom are in this section called "the owners") shall unless otherwise agreed in writing between the Corporation and the owners have effect:—

(1) The Corporation shall not acquire any lands of the owners but shall be entitled to purchase and acquire the mines and minerals under such lands within three hundred yards of Work No. 4 by this Part of this Act authorised and the following rights in respect of the lands of the owners:—

(*a*) The right to collect by means of Work No. 7 authorised by this Part of this Act all water off the lands coloured red on the plan

A.D. 1930.

signed by Charles R. Brady on behalf of the owners and Thomas Molyneux on behalf of the Corporation;

(*b*) The right to enter upon the said lands at all reasonable times to inspect the same for the purpose of preventing the pollution of the water so collected and inspecting the sources of supply;

(*c*) The exercise by the referees of their powers under the section of this Act the marginal note of which is "Ascertainment of rainfall for purposes of compensation water";

(*d*) The right to construct and lay in the situations coloured green on the said plan aqueducts pipes and other apparatus for conveying water to the waterworks of the Corporation;

(*e*) The right to prohibit the erection of any buildings on the said lands without the consent of the Corporation and to prohibit the use of the said lands for any agricultural purpose other than the pasturage of sheep:

(2) The Corporation shall pay to the owners in respect of the rights and easements and the mines and minerals referred to in subsection (1) of this section acquired from the owners such sum as may be agreed between the Corporation and the owners or as failing agreement may be determined by arbitration in accordance with the provisions of the Lands Clauses Acts:

(3) The Corporation shall not acquire any mines or minerals other than those within three hundred yards of Work No. 4 authorised by this Part of this Act in or any sporting rights over any part of the lands of the owners nor any mines and minerals under the lands known as Normanwood Knipe and Madscar Farms situate beyond the aforesaid limit of three hundred yards which are reserved to the owners but the owners and their tenants and lessees shall be entitled to exercise the exclusive rights of sporting on any parts of the lands of the owners acquired as aforesaid:

A.D. 1930.

(4) The Corporation shall take all reasonable precautions and measures for the protection of the game and for the prevention of persons trespassing upon lands of the owners during the construction of the works by the Corporation in the locality of the lands of the owners The Corporation shall pay to the owners a sum at the rate of one hundred pounds per annum for the whole or any portion of the time during which the Fernilee reservoir Ladbitch catchwater and ancillary works are being constructed towards the costs incurred by the owners for keepers or watchers to prevent poaching and trespass upon their estates:

(5) The Corporation shall grant to the owners a right of way for vehicles (not exceeding in weight five tons laden) and pedestrians over the road which is to be constructed under the powers of this Part of this Act across the dam of the Fernilee reservoir to the public highway leading to the Buxton Road:

(6) Except as provided by subsection (1) of this section there shall be reserved to the owners the use and privilege of all lands retained by them on the Jodrell Estate other than the lands referred to in subsection (1) of this section for farming and other agricultural purposes without restriction as exercised at the date of the passing of this Act and the Corporation shall secure to Oak End Farm and Overton Farm on the said estate the supplies of water possessed by those farms at the date of the passing of this Act If the water supplies to either of those farms are affected by the exercise of the powers of this Act the Corporation shall at their own expense provide as full and adequate supplies of water to those farms as those existing at the date of the passing of this Act at places as convenient in all respects as those at which the existing supplies of water to those farms respectively are available The owners will grant the Corporation free of cost the necessary easements and facilities in and over the lands of the owners

A.D. 1930.

for the performance of the obligations of the Corporation under this subsection:

(7) The rights of the owners to collect water in or upon the farm known as Oldfield in the township of Taxal in the county of Chester shall not be affected during the currency of the existing lease of such rights to the Macclesfield Rural District Council.

For protection of Richard William Davenport Legh.

24. Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the following provisions for the protection of the Honourable Richard William Davenport Legh his successors and assigns (all of whom are in this section referred to as "the owner") shall except so far as may be otherwise agreed in writing between the Corporation and the owner apply and have effect (that is to say):—

(1) In this section "the signed plan" means the plan which has been signed in duplicate by Thomas Molyneux on behalf of the Corporation and by Charles Henry Clark on behalf of the owner one copy of which plan has been retained by the Corporation and the other copy thereof by the owner:

(2) The Corporation shall not for or in connection with the making and maintenance of Work No. 10 authorised by this Part of this Act or of any works connected with or ancillary to the said work purchase or acquire any lands of the owner other than the lands which are coloured pink on the signed plan:

(3) The Corporation before constructing on the lands of the owner acquired by them any part of the said Work No. 10 above the surface of such lands shall cause plans designs and specifications of the said work to be submitted to the owner for his approval but such approval shall not be unreasonably withheld and if not disapproved of within one month after the submission of the plans designs and specifications they shall be deemed to have been approved Provided that the provisions of this section shall not prejudice

or affect any claim of the owner for compensation in respect of his rights under the conveyance dated the third day of November nineteen hundred and twenty-one and made between the Right Honourable Thomas Wodehouse Baron Newton of the first part William Lewis Brownlow Loyd and John Dallas Waters of the second part and the Corporation of the third part:

(4) The Corporation shall not for or in connection with the construction and maintenance of Works Nos. 9 and 22 authorised by this Part of this Act or of any works which are connected with or ancillary to the said Works Nos. 9 and 22 purchase or acquire any greater right or interest in any property of the owner than such easements or rights under or through the lands which are shown by a red line upon the signed plan as may be necessary for the purpose of constructing and maintaining cleansing repairing renewing enlarging and inspecting the said works under or through those lands according to the levels which are shown upon the deposited sections;

(5) So soon as the Corporation shall commence the construction of the works authorised by this Part of this Act (so far as the same are to be situate upon the lands of the owner) they shall proceed with due diligence to complete the same and shall forthwith after such construction and from time to time as and when occasion shall require reinstate and make good the surface of any private road or drive and also the surface of the ground to the reasonable approval in all respects of the owner and under his superintendence if given and the Corporation shall repay to the owner the reasonable expense incurred by him in providing such superintendence:

(6) Subject to the rights of the Corporation to enter upon purchase and take under the powers of this Act any lands and any rights and interests therein and to the provisions of the Waterworks Clauses Act 1847 with respect to mines and minerals nothing in this Act shall prevent the exercise by the owner or any of his lessees or

A.D. 1930.

tenants of any rights they now possess of entering on the surface of any lands or of working or winning any mines or minerals or substrata and depositing spoil and of constructing roads tramways and other ways on or under any lands or of using the water of any streams for boilers or other purposes :

(7) The Corporation shall make full compensation to the owner and any such lessee or tenant and any servants workmen or other persons employed by him or any of them for all damage injury loss or expenses whatsoever which they may from time to time sustain by reason or in consequence of the bursting of or leakage from any of the works by this Act authorised :

(8) Any difference which may arise under this section between the owner and the Corporation (other than as to compensation which may be payable to the owner in respect of the acquisition of lands and easements which shall be determined by arbitration under and in accordance with the Lands Clauses Acts) shall be determined by the arbitration of a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Macclesfield Rural District Council.

25. For the benefit and protection of the rural district council of Macclesfield (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the Corporation and the council apply and have effect :—

(1) In case the council's present water supply for the parish of Taxal established under the provisions of an indenture made the fifteenth day of January one thousand nine hundred and twelve between Sir Edward Thomas Davenant Cotton-Jodrell K.C.B. of the one part and the council of the other part for distribution by the council in fulfilling their statutory obligations is interfered with or intercepted by any of the works

authorised by this Part of this Act the Corporation shall at and during all such times give and maintain free of charge a supply of water to the council equal in every respect to the supply before such interference or interception Provided that nothing in this Act shall prevent the council from access to and repair and maintenance of their present works:

(2) In the event of the Corporation carrying out the works numbered 11 12 and 13 authorised by this Part of this Act they shall as soon as they are in a position to supply water by means of those works supply to the council for distribution in the parish of Taxal in perpetuity such equal daily quantity of water in bulk not exceeding twenty-five thousand gallons in any one day as the council may from time to time require for the said parish at such price and upon and subject to such terms and conditions as shall if not agreed be settled by arbitration:

Provided that—

(*a*) before the council shall be entitled to any such supply they shall from time to time give two calendar months' notice in writing to the Corporation specifying the quantity they require and agree to take;

(*b*) the price to be paid for such water (if determined by arbitration) shall be the cost to the Corporation of water delivered from Work No. 9 by this Part of this Act authorised at Horwich End including in such cost the cost of the said Work No. 13 and all necessary and proper expenditure for maintenance working and management:

(3) If any difference arise between the Corporation and the council under this section the same shall be determined by an arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party.

For protection of New Mills Urban

26. For the protection of the New Mills Council and the Hayfield Council the following provisions shall notwithstanding anything contained in this Act and unless

A.D. 1930.

otherwise agreed in writing between the New Mills Council the Hayfield Council and the Corporation apply and have effect (that is to say) :—

District Council and Hayfield Rural District Council.

(1) In this section—

" the New Mills Council " means the New Mills Urban District Council and includes the council of any county district from time to time comprising the area which at the passing of this Act is under the jurisdiction of the New Mills Urban District Council or any part of such area;

" the Hayfield Council " means the Hayfield Rural District Council and includes the council of any county district from time to time comprising the area which at the passing of this Act is under the jurisdiction of the Hayfield Rural District Council or any part of such area;

" the Act of 1908 " means the Stockport Corporation Act 1908;

" the agreed district " means the area comprising the urban district of New Mills the rural district of Hayfield and the rural district of Glossop Dale as existing at the passing of this Act;

" the agreed plan " means the plan signed in duplicate by Joseph Gibbins Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which plan has been deposited in the Committee and Private Bill Office of the House of Commons and the other copy in the Parliament Office in the House of Lords;

" the specified lands " means any lands situate to the north and east of the line marked A B on the agreed plan :

(2) Notwithstanding anything contained in section 38 (Repeal of subsections (1) and (2) of section 33 of the Act of 1901 and substituted provisions for Hayfield Rural District Council) of the Act of 1908 or in any other enactment relating to the

Corporation it shall be lawful for the Hayfield Council and any local authority to enter into and carry into effect agreements for the supply to such local authority by the Hayfield Council from their Harrymoor and Bennett's Moor works of water in bulk for use in the agreed district or any part thereof for such remuneration and on such terms and conditions and for such period as may be from time to time agreed upon between the Hayfield Council and such local authority and nothing in the Act of 1901 the Act of 1905 the Act of 1908 or in any other Act relating to the Corporation shall prevent the Hayfield Council for the purpose of affording such supply from improving enlarging or extending their Harrymoor and Bennett's Moor works or abstracting or using surface water from and constructing waterworks on in or under the specified lands notwithstanding that such lands may comprise the site of any of the works or lands authorised to be constructed or taken by the Corporation:

(3) Nothing contained in any enactment relating to the Corporation shall extend to enable the Corporation to prevent the New Mills Council and the Hayfield Council or either of them from pumping collecting impounding taking using diverting and appropriating any streams springs or water which may be intercepted by means of any works which may hereafter be constructed by the said councils or either of them on in or under the specified lands and the Corporation shall not oppose any application which may be made by the said councils or either of them for powers to acquire the specified lands or to construct waterworks on in or under the same or to borrow money for those purposes:

(4) Nothing in this section contained shall be deemed to prejudice or affect the rights of any riparian owners (including the Corporation as such owners) in respect of compensation water in the event of the New Mills Council and the Hayfield Council or either of them abstracting or using surface water as aforesaid:

A.D. 1930.

(5) Any dispute question or difference which may arise between the New Mills Council or the Hayfield Council and the Corporation under this section shall be referred to and determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party (after notice in writing to the other) and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

Further provisions as to supply of water to New Mills Urban District Council and Hayfield Rural District Council.

27.—(1) From and after the completion of the Fernilee reservoir or the Errwood reservoir or either of them and Work No. 13 by this Part of this Act authorised the Corporation if and when required so to do by the New Mills Urban District Council or the Hayfield Rural District Council (each of whom are in this section referred to as "the council") shall supply to the council for use in their district (in addition to any other supply of water to which the council may be entitled under any other enactment) such equal daily quantity of water in bulk not exceeding 25,000 gallons in any one day as the council may from time to time require at such point or points on the said Work No. 13 as may be agreed upon between the Corporation and the council or as in default of agreement shall be determined by arbitration under this section:

Provided that before the council shall be entitled to any such supply they shall from time to time give two calendar months' notice in writing to the Corporation specifying the quantity they require and agree to take.

(2) The council shall pay to the Corporation for all water supplied under this section at the rate of such sum per one thousand gallons as may be agreed upon between the Corporation and the council or as in default of agreement shall be determined by arbitration under this section:

Provided that the price to be paid for such water shall be the cost to the Corporation of water delivered from Work No. 9 by this Part of this Act authorised at a point opposite to Whaley Bridge railway station including in such cost the cost of the said Work No. 13 and all necessary and proper expenditure for maintenance working and management.

A.D. 1930.

(3) All payments for the water supplied under this section shall be payable quarterly on the twenty-fifth day of March the twenty-fourth day of June and twenty-ninth day of September and the twenty-fifth day of December in every year.

(4) All water taken from the said Work No. 13 shall be measured by a meter or other apparatus to be provided by the council and reasonably approved by the water engineer to the Corporation Such meter or other apparatus shall be placed in some suitable chamber or building to be provided by the council to the reasonable satisfaction of the Corporation and such meter and all pipes valves and other apparatus connecting it with the said Work No. 13 shall be fixed and constructed by the Corporation at the cost of the council The Corporation shall at all reasonable times be at liberty to inspect such meter and the works appertaining thereto and to test the accuracy thereof and if necessary to require the same to be repaired and maintained at the expense of the council.

(5) Any matter required by this section to be determined by arbitration and any dispute question or difference which may arise between the Corporation and the council under this section shall unless otherwise agreed be referred to and determined by a single arbitrator appointed by the President of the Institution of Civil Engineers on the application of either party (after notice in writing to the other) and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For further protection of New Mills Urban District Council.

28. For the protection of the New Mills Council the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the New Mills Council and the Corporation apply and have effect (that is to say) :—

(1) In this section—

" the New Mills Council " means the New Mills Urban District Council and includes the council of any county district from time to time comprising the area which at the passing of this Act is under the jurisdiction of the New Mills Urban District Council or any part of such area;

A.D. 1930.

" the Hayfield Council " means the Hayfield Rural District Council and includes the council of any county district from time to time comprising the area which at the passing of this Act is under the jurisdiction of the Hayfield Rural District Council or any part of such area;

" the Glossop Dale Council " means the Glossop Dale Rural District Council and includes the council of any county district from time to time comprising the area of the parishes of Ludworth and Chisworth as existing at the passing of this Act or any part of such area:

(2) Notwithstanding anything contained in section 32 (For protection of New Mills Urban District Council) of the Act of 1901 the price to be paid by the New Mills Council for a supply of water under subsection (1) of that section shall be at the rate of eightpence halfpenny per one thousand gallons Provided that—

(*a*) At any time after the expiration of five years from the commencement of the supply to the New Mills Council under the said subsection the New Mills Council or the Corporation may apply to the Minister for a revision of the said rate and if and whenever any application is so made the Minister may vary the said rate either by way of increase or decrease but so that the rate payable by the New Mills Council shall not exceed the average annual cost to the Corporation per one thousand gallons of water capable of being delivered from the works from or by means of which the supply is afforded during the period of five years ending on the thirty-first day of March immediately preceding the application for revision The said cost in respect of any year shall be ascertained by dividing the expenditure incurred by the Corporation on revenue account necessary and proper for the maintenance working and management during such year of the works from or by means of which the supply is

afforded and a sum equal to four per centum upon the total capital expended by the Corporation on such works (after giving credit for any money received by the Corporation in respect of any sales exchanges or dispositions of land or otherwise on capital account) by the number of thousand gallons of water which the said works were capable of affording for supply in such year;

(*b*) The rate for the time being payable by the New Mills Council may be revised on the like application and in the like manner at any time after the expiration of any or every period of five years after it was last revised under this subsection:

(3) Notwithstanding anything contained in the said section 32 the supply of water under subsection (1) of that section shall be available and may be required—

(*a*) for the district of the New Mills Council;

(*b*) (if so agreed between the New Mills Council and the Hayfield Council) for the district of the Hayfield Council; and

(*c*) in the event of the New Mills Council taking a supply of water under subsection (1) of the said section for the district of the New Mills Council (if so agreed between the New Mills Council and the Glossop Dale Council) for the area of the parishes of Ludworth and Chisworth as existing at the passing of this Act or any part of such area;

and shall be delivered by the Corporation into a service reservoir to be constructed and maintained by the New Mills Council in such position at or about seven hundred and eighty feet above Ordnance datum as may be agreed upon between the New Mills Council and the Corporation or as in default of agreement may be determined by arbitration under this section The said supply shall be delivered into the said service reservoir by means of a suitable pipe to be constructed laid and maintained by the Corporation

A.D. 1930.

at the expense of the New Mills Council but such pipe shall not be used as a service main:

(4) Nothing in this section shall empower the New Mills Council to require the Corporation to supply water for the area of the parishes of Ludworth and Chisworth as existing at the passing of this Act or any part of such area—

(i) if and so long as the permanent resources (existing at the passing of this Act) of such area or part of such area (as the case may be) are sufficient to meet the requirements for water therein; or

(ii) in excess of a total quantity of twenty-five thousand gallons per day:

(5) The provisoes to subsection (1) of the said section 32 shall be and the same are hereby repealed:

(6) Any matter required by this section to be determined by arbitration and any dispute question or difference which may arise between the New Mills Council and the Corporation under this section (other than subsection (2) thereof) shall be referred to and determined by a single arbitrator to be appointed by the President of the Institution of Civil Engineers on the application of either party (after notice in writing to the other) and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For protection of Chapel-en-le-Frith Rural District Council.

29. For the protection of the Chapel-en-le-Frith Rural District Council (in this section called "the council") the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the Corporation and the council have effect (that is to say):—

(1) Notwithstanding anything shown on the deposited plans and sections the Corporation shall not be entitled to acquire the existing rights of the council to take water from beneath land now belonging to the Corporation and more particularly described in the grant dated seventh June nineteen hundred and twenty-two from George Dunn to the council and delineated

and described in the plan annexed thereto (in this section called " the aforesaid land of the Corporation ") or to acquire any part of the reservoir (in this section called " the said reservoir ") numbered 73 on the deposited plans in the parish of Fernilee and 125 on the deposited plans in the parish of Hartington Upper Quarter or to acquire any conduits conveying water from beneath the aforesaid land of the Corporation to the said reservoir or to acquire any easement in the said reservoir or conduits but the council shall afford to the Corporation all necessary facilities for connecting Work No. 14 by this Part of this Act authorised with the said reservoir and with the existing pipe line of the council at the termination of the said Work No. 14 beyond the northern slope of the dam of the intended Fernilee reservoir :

(2) Two months at least before commencing the construction of the said Work No. 14 or any work in connection therewith the Corporation shall deliver to the council plans sections and specifications showing the intended work and the Corporation shall not commence the construction of any such work until the plans sections and specifications shall have been approved by the council or settled by arbitration as hereinafter provided Provided that if the council shall not within two months after the receipt by them of any such plans sections and specifications notify to the Corporation their objection thereto they shall be deemed to have approved thereof :

(3) The construction of the said Work No. 14 and the works in connection therewith shall be carried out under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the council :

(4) The said Work No. 14 and the works in connection therewith when completed shall vest in the council and shall be substituted for so much of the existing pipe line of the council as lies between the said reservoir and the point of junction between the said pipe line and the said

A.D. 1930.

Work No. 14 and until such completion as aforesaid the Corporation shall not remove displace or interfere with the said pipe line or do anything to impede the passage of water from the said reservoir into or through such pipe line and the Corporation shall at all times after such completion afford to the Council all reasonable facilities for maintaining repairing and cleansing the said Work No. 14 and maintaining the flow of water therein:

(5) The Corporation shall from time to time pay to the council the amount by which the cost incurred by the council in the maintenance repair and cleansing of the said Work No. 14 exceeds the cost which would have been incurred by them in the maintenance repair and cleansing of the said Work No. 14 if that work had been constructed at the same level as that of the portion of their said existing pipe line for which the said Work No. 14 is substituted:

(6) The aqueduct conduit or line of pipes comprised in the said Work No. 14 shall not be constructed of less diameter than is sufficient to convey a supply of water equal in every respect (including quantity and pressure) to that conveyed by the portion of the council's said existing pipe line for which it is substituted (which diameter is in this subsection referred to as "the new diameter") and if the council shall at any time before the expiration of two months after the receipt by them of the plans sections and specifications of the work desire the Corporation in providing Work No. 14 to construct the said aqueduct conduit or line of pipes of a larger diameter than the new diameter the Corporation shall comply with such desire and the council shall pay to the Corporation the cost which may be reasonably incurred by the Corporation in complying with such desire less a sum equal to the sum which it would have been necessary for the Corporation to expend if the said aqueduct conduit or line of pipes had been constructed of the new diameter:

(7) In case any source of water supply of the council situate in the aforesaid land of the Corporation is taken away diminished or affected by reason of the construction of any of the works authorised by this Part of this Act the Corporation shall afford free of charge a supply of water to the council equal in every respect (including quantity quality and pressure) to the supply from such source before such taking away diminution or affection:

(8) From and after the completion of the Errwood reservoir and the Fernilee reservoir or either of them and Work No. 13 the Corporation if and when required so to do by the council shall supply from Work No. 13 to the council for use in their district (in addition to any supply of water to be given under subsection (7) of this section) such equal daily quantity of water in bulk not exceeding 25,000 gallons in any one day as the council may from time to time require at such point or points and at such price and upon and subject to such terms and conditions as shall (in default of agreement) be settled by arbitration as hereinafter provided:

Provided that the price to be paid for such water shall be the cost to the Corporation of water delivered from Work No. 9 by this Part of this Act authorised at a point opposite to the White Horse Hotel at Horwich End Whaley Bridge including in such cost the cost of the said Work No. 13 to the point or points hereinbefore mentioned and all necessary and proper expenditure for maintenance working and management:

(9) (*i*) The Corporation shall erect fit up and maintain or provide—

(*a*) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Part of this Act and preliminary thereto;

(*b*) such hospital accommodation for the treatment of cases of sickness or accident among such workmen or their wives or

A.D. 1930.

families residing with them including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital;

(ii) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workmen employed as aforesaid who are treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance (Health) Acts 1924 to 1928 or otherwise;

(iii) The medical officer of health and inspectors of nuisances of the council shall be entitled at any time to enter into and inspect and examine any accommodation afforded within the district of the council under this subsection in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided;

(iv) The Corporation shall give such officials all facilities and information which they require for the purpose of the performance of their duties including the right to enter upon the said works and any person obstructing such officials in the performance of their duties under this subsection shall be liable on summary conviction to a fine not exceeding forty shillings;

(v) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of this subsection they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the council:

(10) If the Corporation under the powers of this Part of this Act demolish any house occupied by persons of the labouring class at the time when such house is taken for such demolition they shall erect another house suitable for occupation by persons of that class and with not less accommodation than the demolished house:

(11) The Corporation shall construct to the reasonable satisfaction of the council or continue (as the case may be) the footpaths and bridlepaths shown coloured red within the area edged green on the signed plan referred to in the section of this Act the marginal note of which is "Stopping up roads footpaths &c." and the Corporation shall not stop up or divert any existing footpath or bridlepath with which any footpath or bridlepath to be constructed under the provisions of this section connects until such last-mentioned footpath or bridlepath has been constructed:

(12) The reasonable expenses of the council of and in relation to any such approval of plans sections or specifications or superintendence by them as is referred to in this section shall be paid by the Corporation:

(13) Any matter required by this section to be determined by arbitration and any difference which may arise between the council and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Yeardsley-cum-Whaley Urban District Council.

30. Notwithstanding anything in this Act contained or shown on the deposited plans the following provisions shall have effect for the benefit and protection of the urban district council of Yeardsley-cum-Whaley unless otherwise agreed between the Corporation and such council (that is to say):—

(1) In this section the expression "the council" means the urban district council of Yeardsley-cum-Whaley the expression "the district"

A.D. 1930.

means the district of such council and the expression " the surveyor " means the surveyor for the time being of such council :

(2) All works to be constructed or laid by the Corporation in along or across any road in the district repairable by the council and not maintainable or repairable by the Cheshire County Council shall be executed at the expense of the Corporation under the superintendence and to the reasonable satisfaction of the surveyor and in accordance with plans sections and specifications to be submitted to and reasonably approved of by him in writing before the commencement of any such work Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof and in the latter case signify his requirements in relation thereto he shall be deemed to have approved thereof :

(3) The works shall be so executed as not to unreasonably interfere with the traffic on any of the said roads in the district :

(4) The Corporation shall pay to the council the reasonable costs in relation to the superintendence by this section authorised :

(5) If the council shall incur any additional expense in the construction maintenance or alteration of any works of the council existing at the passing of this Act or in the maintenance of any street or road repairable by the council by reason or in consequence of the execution by the Corporation of any work under the powers of this Act the Corporation shall repay to the council the amount of such additional expense :

(6) The Corporation shall make full compensation for all expenses reasonably incurred in relation to the reinstatement of any of the said roads from time to time by reason or in consequence of the leaking bursting or giving way of any of the works by this Part of this Act authorised :

(7) If any culvert drain sewer pipe public well or other property of the council is damaged or in any way interfered with by the Corporation the

Corporation shall repair and restore the same to the reasonable satisfaction of the council and if the Corporation do not so repair and restore the same the council may cause the necessary repairs to be done and may charge the reasonable costs and expenses against the Corporation and may recover the same in any court of competent jurisdiction:

(8) If any of the said roads are damaged or affected by the traffic thereon in connection with the carrying out by the Corporation of any of the works by this Part of this Act authorised the Corporation shall repair and restore the same to the reasonable satisfaction of the council and if the Corporation do not so repair and restore the same the council may cause the necessary repairs to be done and may charge the reasonable cost and expenses against the Corporation and may recover the same in any court of competent jurisdiction:

(9) If any difference shall arise between the Corporation and the council touching the foregoing provisions of this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration by an engineer to be agreed on by the parties in difference or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties.

Supply of water in bulk to Yeardsley-cum-Whaley Urban District Council.

31.—(1) The Yeardsley-cum-Whaley Urban District Council (in this section referred to as "the council") shall on giving one month's notice to the Corporation at any time after the Corporation commence to supply water from the Fernilee reservoir (Work No. 4) by this Part of this Act authorised be entitled to receive from the Corporation a supply of water in bulk not exceeding thirty thousand gallons a day.

(2) The Corporation shall on the expiration of such notice commence and continue to afford such supply to the council at the price of ninepence per one thousand gallons or at the cost price to the Corporation of water whichever shall be the less and such supply shall be taken at a uniform rate per day at such point on Work No. 13

A.D. 1930.

by this Part of this Act authorised as may be agreed between the Corporation and the council or failing such agreement as may be determined by arbitration under this section Provided that the price to be paid for such water (if determined by arbitration) shall be the cost to the Corporation of water delivered from Work No. 9 by this Part of this Act authorised at a point opposite Whaley Bridge railway station including in such cost the cost of the said Work No. 13 and all necessary and proper expenditure for maintenance working and management.

(3) All water taken from the said Work No. 13 shall be measured by a meter or other apparatus to be provided by the council and approved by the water engineer to the Corporation Such meter or other apparatus shall be placed in some suitable chamber or building to be provided by the council to the reasonable satisfaction of the Corporation and such meter and all pipes valves and other apparatus connecting it with the aqueduct shall be fixed and constructed by the Corporation at the cost of the council The Corporation shall at all reasonable times be at liberty to inspect such meter and the works appertaining thereto and to test the accuracy thereof and if necessary to require the same to be repaired and maintained at the expense of the council.

(4) All payments for the water supplied shall be made quarterly on the usual quarter days.

(5) Any difference between the Corporation and the council under this section shall be settled by an arbitrator to be appointed by agreement or in default of agreement by the President of the Institution of Civil Engineers under and subject to the provisions of the Arbitration Act 1889.

For protection of Cheshire County Council.

32. The following provisions for the protection of the county council of the administrative county of the county palatine of Chester (in this section referred to as "the county council") shall notwithstanding anything in this Act contained unless otherwise agreed in writing between the Corporation and the county council have effect:—

(1) The carriageway of the public road on the embankment of reservoir Work No. 4 by this Act authorised shall be constructed of an uniform width throughout of eighteen feet and

the distance between the fences shall be not less than twenty-one feet The said public road together with the guard fences thereto so far as situate in the county of Chester shall be constructed by the Corporation to the reasonable satisfaction of the county council and the Corporation shall thereafter maintain the same to the like satisfaction:

(2) The carriageways of the public roads Works Nos. 17 18 and 19 by this Part of this Act authorised shall be constructed of an uniform width throughout of eighteen feet and the distance between the fences shall be not less than twenty-four feet where there is an embankment and thirty feet where there is no embankment:

(3) Any embankments supporting the carriageways of Works Nos. 18 and 19 together with the guard fences thereto shall be constructed by the Corporation to the reasonable satisfaction of the county council and the Corporation shall thereafter maintain the same to the like satisfaction:

(4) The Corporation shall take all reasonable precautions to prevent the pollution of the waters of the river Goyt with deleterious matter from the works authorised by this Part of this Act or otherwise arising out of the Corporation's operations and shall provide such works as are reasonably necessary to prevent such pollution:

(5) Any matter required by this section to be determined by arbitration and any difference which may arise between the county council and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For further protection of Cheshire County Council.

33. For the protection of the county council of the administrative county of the county palatine of Chester (in this section referred to as "the county council") the following provisions shall notwithstanding anything

A.D. 1930. in this Act contained and unless otherwise agreed in writing between the county council and the Corporation have effect with respect to the execution of any works under or the exercise in or affecting any highway or bridge of any of the powers of this Act (that is to say):—

(1) In this section—

"bridge" and "highway" respectively mean a bridge or a highway (other than a bridge) vested in or repairable by the county council and "bridge" includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches;

"apparatus" includes any aqueduct conduit line or lines of pipes main or work;

"along" includes in on under across at the side of attached to and affecting; and

"surveyor" means the surveyor to the county council:

(2) (*a*) Before the Corporation commence to place repair renew alter or remove any apparatus along any highway or bridge they shall (except in case of emergency when notice shall be given as soon as possible) give to the county council notice of their intention so to do not less than in the case of a bridge twenty-eight clear days and in all other cases fourteen clear days;

(*b*) The Corporation shall not (except in case of emergency) place renew or alter any apparatus along any highway or bridge otherwise than according to plans sections and specifications approved by the county council or (failing such approval) determined by arbitration which plans sections and specifications shall contain such details as the county council may reasonably require Provided that unless within the period of twenty-eight clear days from the delivery of plans sections and specifications relating to a bridge or fourteen clear days from the delivery of plans sections and specifications relating to a highway the county council intimate to the Corporation any objection thereto they shall be deemed to have approved thereof:

(3) All works of the Corporation affecting any highway or bridge shall be executed to the reasonable satisfaction of the county council under the superintendence (if given) of the surveyor:

(4) The Corporation shall not interfere with the structure of any bridge without the consent of the county council which consent shall not be unreasonably withheld and may be given on such conditions as the county council may reasonably determine:

(5) Nothing in this Act shall interfere with the right of the county council to alter the level of deviate widen reconstruct or improve any highway (each of which works is in this section referred to as a "highway alteration") or to remove alter rebuild widen or repair any bridge (each of which works is in this section referred to as a "bridge alteration") along which highway or bridge any apparatus shall have been placed in the same manner as if this Act had not been passed:

(6) In the event of the county council at any time desiring to carry out a highway alteration or a bridge alteration the Corporation shall on receiving in the case of a highway alteration fourteen clear days' notice and in the case of a bridge alteration sixty clear days' notice in writing from the county council alter the position of any apparatus of the Corporation laid or placed along the highway or bridge in such manner and to such extent as the county council may reasonably require and the county council shall afford to the Corporation all reasonable facilities for temporarily carrying such apparatus so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such apparatus All expenses reasonably incurred by the Corporation under this subsection in respect of a highway alteration shall be repaid to them by the county council:

(7) All works of the Corporation shall be so executed as not in any way to stop or unreasonably

A.D. 1930.

impede or interfere with the traffic on any highway or over any bridge and all such works shall be proceeded with and completed with all possible dispatch after the commencement thereof respectively and the Corporation shall not break up at any one time a greater continuous length of the roadway than shall be reasonably specified by the surveyor:

(8) The Corporation shall in accordance with the reasonable directions and to the reasonable satisfaction of the surveyor after the apparatus has been placed restore so much of the highway or bridge as shall be broken up by the Corporation to the condition and strength in which it was immediately before such breaking up:

(9) (*a*) Notwithstanding anything in this Act the county council may by notice given to the Corporation before the Corporation shall have completed placing any apparatus along any highway or bridge elect themselves to restore such portion of the highway or bridge as has been broken up by the Corporation and if the county council give such notice they shall as soon as the apparatus shall have been placed along the highway or bridge by the Corporation restore the said portion of the highway or bridge to the condition and strength in which it was immediately before such breaking up and the Corporation shall repay to the county council all expenses reasonably incurred by the county council in making such restoration and shall not be under any other obligation with regard to the restoration of the said portion of the highway or bridge;

(*b*) If the county council give to the Corporation any such notice as is referred to in paragraph (*a*) of this subsection the Corporation shall give to the county council notice in writing of the completion of the placing of the apparatus for which the highway or bridge was broken up and the county council shall indemnify the Corporation from and against all claims demands damages costs charges and expenses which may be made against or incurred by the

Corporation in respect of any accident or occurrence happening after the expiration of forty-eight hours (excluding from the computation of that period any part of a Sunday Christmas Day Good Friday or any bank or public holiday) from the receipt by the county council of any notice so given by the Corporation and by reason or in consequence of the highway or bridge not having been so restored as aforesaid:

(10) The Corporation shall make good or bear the cost of making good any subsidence of any highway or of the roadway or footway on any bridge which may arise at any time within twelve months from the completion of any restoration by the Corporation or the county council of such highway roadway or footway under subsections (8) or (9) of this section except when the restoration shall have been made by the county council and the subsidence shall result from or be contributed to by any negligence on the part of the county council or their contractors servants workmen or agents in connection with the restoration (in which excepted case the subsidence shall be made good by the county council at their own expense):

(11) If the Corporation in the execution of any works along any highway or bridge shall cause any damage injury or disturbance to such highway or bridge and shall neglect or refuse to make good all such damage injury or disturbance it shall be lawful for the county council after reasonable notice in writing to the Corporation of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works including all reasonable expenses of superintendence:

(12) The Corporation shall take all necessary steps at their own expense for protecting the public using any such highway or bridge from injury

A.D. 1930.

during the execution of works by the Corporation or their contractors and shall be liable for all damages or loss which may be incurred consequent upon their neglect or omission to provide such protection :

(13) The reasonable expenses of the county council or the surveyor of and in relation to any such superintendence by them or him as is referred to in this section shall be paid by the Corporation :

(14) The Corporation shall indemnify the county council against all losses damages claims and demands by reason or in consequence or arising out of the exercise by the Corporation along any highway or bridge of any of the powers of this Part of this Act :

(15) No stopcocks valves covers boxes or other works shall be placed along any bridge except with the consent in writing of the county council which consent may be given on such terms and conditions as the county council may in their absolute discretion determine :

(16) Where for the purposes of the Corporation stopcocks valves boxes or other like apparatus shall be placed in the surface of the carriageway of any highway and the county council shall reasonably require the same to be surrounded or protected by sett paving or other adequate form of protection the Corporation shall at their own cost provide such protection to the reasonable satisfaction of the county council and for the purposes of this section such sett paving shall be deemed to form part of the apparatus in connection with which it is provided or required to be provided :

(17) The fact that any work or thing has been executed or done in accordance with any plan section or specification not objected to or approved by the county council or with any requirement of the county council or under the supervision of the surveyor or in accordance with any direction or award of an arbitrator shall

not relieve the Corporation of their responsibility for the sufficiency of the work or thing :

(18) Any consent approval notice intimation requirement or direction to be given by the county council under this section shall be given in writing under the hand of the clerk of the county council or the surveyor :

(19) Any matter required by this section to be determined by arbitration and any difference which may arise between the county council and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of Derbyshire County Council.

34. The following provisions for the protection of the county council of the administrative county of Derby (in this section referred to as "the county council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the Corporation and the county council have effect :—

(1) The carriageway of the public road on the embankment of the reservoir Work No. 4 by this Part of this Act authorised shall be constructed of an uniform width throughout of 18 feet and the distance between the fences shall be not less than 21 feet The said public road together with the guard fences thereto so far as situate in the county of Derby shall be constructed by the Corporation to the reasonable satisfaction of the county council and the Corporation shall thereafter maintain the same to the like satisfaction :

(2) The carriageways of the public roads Works Nos. 16 and 19 by this Part of this Act authorised shall be constructed of an uniform width throughout of 18 feet and the distance between the fences shall be not less than 24 feet where there is an embankment and 30 feet where there is no embankment :

(3) Any embankments supporting the carriageways of Works Nos. 16 and 19 together with the guard

A.D. 1930.

fences thereto shall be constructed by the Corporation to the reasonable satisfaction of the county council and the Corporation shall thereafter maintain the same to the like satisfaction :

(4) If within two years from the completion of the reservoir Work No. 4 the county council shall obtain the consent of the owners of the High Peak Railway to the crossing of that railway by a public carriageway the carriageway of Work No. 15 by this Act authorised shall be constructed by the Corporation to the reasonable satisfaction of the county council and of a width not less than but not exceeding the width of the existing road or cart track leading from point A1 to point F shown on the deposited plans and upon the completion of the said carriageway the same shall be deemed to have been dedicated in perpetuity to the use of and to be repairable by the inhabitants at large :

(5) The Corporation are hereby authorised to prohibit the use of the said carriageway of Work No. 15 and of the public road on the embankment of the reservoir Work No. 4 by vehicles which when laden exceed 5 tons in weight :

(6) The Corporation shall take all reasonable precautions to prevent the pollution of the waters of the river Goyt with deleterious matter from the works authorised by this Part of this Act or otherwise arising out of the Corporation's operations and shall provide such works as are reasonably necessary to prevent such pollution :

(7) Any matter required by this section to be determined by arbitration and any difference which may arise between the county council and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For further protection of Derby-

35. For the protection of the county council of the administrative county of Derby (in this section referred

to as " the county council ") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the county council and the Corporation have effect with respect to the execution of any works under or the exercise in or affecting any highway or bridge of any of the powers of this Act (that is to say) :— shire County Council.

(1) In this section—

" bridge " and " highway " respectively mean a bridge or a highway (other than a bridge) vested in or repairable by the county council and " bridge " includes the approaches to the bridge and the roadway and footways (if any) over such bridge and approaches;

" apparatus " includes any aqueduct conduit line or lines of pipes main or work;

" along " includes in on under across at the side of attached to and affecting; and

" surveyor " means the surveyor to the county council :

(2) (*a*) Before the Corporation commence to place repair renew alter or remove any apparatus along any highway or bridge they shall (except in case of emergency when notice shall be given as soon as possible) give to the county council notice of their intention so to do not less than in the case of a bridge twenty-eight clear days and in all other cases fourteen clear days;

(*b*) The Corporation shall not (except in case of emergency) place renew or alter any apparatus along any highway or bridge otherwise than according to plans sections and specifications approved by the county council or (failing such approval) determined by arbitration which plans sections and specifications shall contain such details as the county council may reasonably require Provided that unless within the period of twenty-eight clear days from the delivery of plans sections and specifications relating to a bridge or fourteen clear days from the delivery of plans sections and specifications

A.D. 1930.

relating to a highway the county council intimate to the Corporation any objection thereto they shall be deemed to have approved thereof :

(3) All works of the Corporation affecting any highway or bridge shall be executed to the reasonable satisfaction of the county council and under the superintendence (if given) of the surveyor :

(4) The Corporation shall not interfere with the structure of any bridge without the consent of the county council which consent shall not be unreasonably withheld and may be given on such conditions as the county council may reasonably determine :

(5) Nothing in this Act shall interfere with the right of the county council to alter the level of deviate widen reconstruct or improve any highway (each of which works is in this section referred to as a " highway alteration ") or to remove alter rebuild widen or repair any bridge (each of which works is in this section referred to as a " bridge alteration ") along which highway or bridge any apparatus shall have been placed in the same manner as if this Act had not been passed :

(6) In the event of the county council at any time desiring to carry out a highway alteration or a bridge alteration the Corporation shall on receiving in the case of a highway alteration fourteen clear days' notice and in the case of a bridge alteration sixty clear days' notice in writing from the county council alter the position of any apparatus of the Corporation laid or placed along the highway or bridge in such manner and to such extent as the county council may reasonably require and the county council shall afford to the Corporation all reasonable facilities for temporarily carrying such apparatus so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such apparatus All expenses reasonably incurred by the Corporation under this subsection in respect of a high-

way alteration shall be repaid to them by the county council:

(7) All works of the Corporation shall be so executed as not in any way to stop or unreasonably impede or interfere with the traffic on any highway or over any bridge and all such works shall be proceeded with and completed with all possible dispatch after the commencement thereof respectively and the Corporation shall not break up at any one time a greater continuous length of the roadway than shall be reasonably specified by the surveyor:

(8) The Corporation shall in accordance with the reasonable directions and to the reasonable satisfaction of the surveyor after the apparatus has been placed restore so much of the highway or bridge as shall be broken up by the Corporation to the condition and strength in which it was immediately before such breaking up:

(9) (*a*) Notwithstanding anything in this Act the county council may by notice given to the Corporation before the Corporation shall have completed placing any apparatus along any highway or bridge elect themselves to restore such portion of the highway or bridge as has been broken up by the Corporation and if the county council give such notice they shall as soon as the apparatus shall have been placed along the highway or bridge by the Corporation restore the said portion of the highway or bridge to the condition and strength in which it was immediately before such breaking up and the Corporation shall repay to the county council all expenses reasonably incurred by the county council in making such restoration and shall not be under any other obligation with regard to the restoration of the said portion of the highway or bridge;

(*b*) If the county council give to the Corporation any such notice as is referred to in paragraph (*a*) of this subsection the Corporation shall give to the county council notice in writing of the completion of the placing of the apparatus for which the highway or bridge was

A.D. 1930.

broken up and the county council shall indemnify the Corporation from and against all claims demands damages costs charges and expenses which may be made against or incurred by the Corporation in respect of any accident or occurrence happening after the expiration of forty-eight hours (excluding from the computation of that period any part of a Sunday Christmas Day Good Friday or any bank or public holiday) from the receipt by the county council of any notice so given by the Corporation and by reason or in consequence of the highway or bridge not having been so restored as aforesaid:

(10) The Corporation shall make good or bear the cost of making good any subsidence of any highway or of the roadway or footway on any bridge which may arise at any time within twelve months from the completion of any restoration by the Corporation or the county council of such highway roadway or footway under subsections (8) or (9) of this section except when the restoration shall have been made by the county council and the subsidence shall result from or be contributed to by any negligence on the part of the county council or their contractors servants workmen or agents in connection with the restoration (in which excepted case the subsidence shall be made good by the county council at their own expense):

(11) If the Corporation in the execution of any works along any highway or bridge shall cause any damage injury or disturbance to such highway or bridge and shall neglect or refuse to make good all such damage injury or disturbance it shall be lawful for the county council after reasonable notice in writing to the Corporation of the alleged neglect or refusal and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying

out such works including all reasonable expenses of superintendence:

(12) The Corporation shall take all necessary steps at their own expense for protecting the public using any such highway or bridge from injury during the execution of works by the Corporation or their contractors and shall be liable for all damages or loss which may be incurred consequent upon their neglect or omission to provide such protection:

(13) The reasonable expenses of the county council or the surveyor of and in relation to any such superintendence by them or him as is referred to in this section shall be paid by the Corporation:

(14) The Corporation shall indemnify the county council against all losses damages claims and demands by reason or in consequence or arising out of the exercise by the Corporation along any highway or bridge of any of the powers of this Part of this Act:

(15) No stopcocks valves covers boxes or other works shall be placed along any bridge except with the consent in writing of the county council which consent may be given on such terms and conditions as the county council may in their absolute discretion determine:

(16) Where for the purposes of the Corporation stopcocks valves boxes or other like apparatus shall be placed in the surface of the carriageway of any highway and the county council shall reasonably require the same to be surrounded or protected by sett paving or other adequate form of protection the Corporation shall at their own cost provide such protection to the reasonable satisfaction of the county council and for the purposes of this section such sett paving shall be deemed to form part of the apparatus in connection with which it is provided or required to be provided:

(17) The fact that any work or thing has been executed or done in accordance with any plan section or specification not objected to or approved by the county council or with any

A.D. 1930.

requirement of the county council or under the supervision of the surveyor or in accordance with any direction or award of an arbitrator shall not relieve the Corporation of their responsibility for the sufficiency of the work or thing :

(18) Any consent approval notice intimation requirement or direction to be given by the county council under this section shall be given in writing under the hand of the clerk of the county council or the surveyor :

(19) Any matter required by this section to be determined by arbitration and any difference which may arise between the county council and the Corporation under this section shall be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

For protection of London Midland and Scottish Railway Company.

36. For the protection of the London Midland and Scottish Railway Company (in this section referred to as " the company ") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed apply and have effect (that is to say) :—

(1) The Corporation shall not for the purposes of Works Nos. 8 9 13 14 and 22 by this Part of this Act authorised (hereinafter in this section referred to as " the said waterworks ") acquire any land or property of the company but the Corporation may purchase and take and the company shall at request of the Corporation sell and grant such easements or rights of using so much of the land or property of the company as may be necessary for the construction maintenance and use of the said waterworks over into through or under the railway in accordance with the provisions of this section and the Corporation shall pay to the company in respect of any such easements or rights such sum as shall in case of dispute be determined by arbitration

under and in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under those Acts:

(2) In carrying the said Work No. 22 under the Stockport Disley and Whaley Bridge Railway of the company the same shall be constructed in a walled passage or culvert of sufficient height and width to admit of the same being examined to ascertain the condition and state of repair and to effect any necessary repairs and renewals thereof Such walled passage or culvert shall extend to the boundary fences of the railway or such further distance as may be reasonably necessary not exceeding two yards:

(3) Before constructing any of the said waterworks or any subsequent repairs thereof in over under or affecting any of the railways works and property of the company the Corporation shall submit to the company plans sections working drawings and specifications thereof showing the line and level of and the manner in which such works or operations are to be carried out and the mode of execution thereof for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications for approval Provided that when in the opinion of the engineer of the company there is not a reasonably sufficient space on any bridge to lay any mains or pipes between the road surface and the structure of any such bridge the company may require such mains or pipes to be carried outside or (if reasonably required by them) independently of the structure of any such bridge and shall afford all reasonable facilities for the purpose:

(4) All the said waterworks and operations shall be constructed carried on and completed and thereafter maintained repaired and renewed by the Corporation in strict conformance with the

A.D. 1930.

plans sections working drawings and specifications so approved at the sole risk and cost of the Corporation and under the supervision and to the reasonable satisfaction of the engineer of the company:

(5) The Corporation shall not for the purposes of the said waterworks without the previous consent in writing of the company enter upon or alter or interfere with the railways works and property of the company further or otherwise than may be necessary for constructing maintaining and renewing the said waterworks so far as any of them may be laid in upon over or under the said railways works and property of the company of which they shall give the company fourteen days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given:

(6) The Corporation shall pay to and reimburse the company all reasonable costs charges and expenses which they may incur in connection with the construction of the said waterworks or the subsequent maintenance renewal use alteration replacing or repair thereof including (without prejudice to the said generality) any expense which the company may reasonably incur in connection with the employment of a reasonably sufficient number of inspectors signalmen watchmen and others and for superintendence during construction of the said waterworks and for all extra precautions for the safety and working of their traffic or protection of their property on account of the execution maintenance renewal use alteration replacing or repair of the said waterworks:

(7) All the said waterworks and operations and the subsequent maintenance renewal alteration replacing or repair thereof shall in so far as the same affect the railways works and property of the company be carried out by the Corporation so as not to injure or alter or interfere with (except so far as may be necessary for carrying out the said works and operations) or endanger

the structure or stability of any of the said railways works and property of the company and should any damage or injury to the said railways works and property or interruption or impediment of or interference with the passage or conduct of traffic on the said railways of the company be caused by or be in any way owing to the said works or operations of the Corporation or the failure of or defect in any of the said works or operations the Corporation shall at their own cost and free of all expense to the company execute and do all such works as may be necessary to restore the damage or injury and remove such interruption impediment or interference as the case may be or the company at their option and for any of such purposes may enter upon the works or property of the Corporation and execute all such works and do all such things as may be necessary to restore such damage or injury or to remove or prevent such interruption impediment or interference and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith:

(8) The Corporation shall before carrying out so much of any of the said waterworks as will be below the existing level of the ground construct such temporary or permanent works as may be reasonably necessary to support the railway or to enable as far as possible the trains of the company to pass without the necessity of slackening speed and in the event of the Corporation constructing the said waterworks under any bridge or other structure of the company at a lower level than the foundations of such bridge or structure any underpinning which may be reasonably necessary to ensure the stability of such bridge or structure in consequence of the carrying out of the said waterworks shall (on the company giving at least seven days' notice thereof to the Corporation) be executed by the company but in all things at the expense of the Corporation:

A.D. 1930.

(9) The Corporation shall make reasonable compensation to the company for all loss or damage caused by the said waterworks and operations interruption impediment or interference to or with the said railways and works and property of the company and the Corporation shall also free and relieve and indemnify the company from all damages or compensation which may be recovered from them at the instance of their employees passengers owners of merchandise traders or owners of property adjoining the said works or any other person or persons by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or default of the Corporation or those for whom they are responsible:

(10) The construction maintenance or repair of the said waterworks or anything which may be done in connection therewith shall not prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating widening or enlarging any of the lines of railway or other works or property belonging to them without interference on the part of the Corporation and without incurring any liability to them or to any person using any of the said waterworks for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation widening or enlarging Provided that any extra expense which the company may incur in such maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of any of the said waterworks shall be paid by the Corporation:

(11) In the event of the company doing any of the acts referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as

practicable to and with the works of the Corporation and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days' previous notice in writing to the Corporation before commencing any such operations as may affect any of the said works:

(12) If the company give to the Corporation notice that they themselves desire to construct so much of any of the said waterworks as will be situate on the lands and property of the company the company may themselves execute such works and alterations at the sight and to the reasonable satisfaction of the engineer to the Corporation and recover the reasonable costs thereof from the Corporation:

(13) Any question or difference between the Corporation and the company arising under this section shall be referred to the arbitration of an engineer to be agreed upon between the Corporation and the company or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to such arbitration.

For further protection of London Midland and Scottish Railway Company.

37. For the further protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed apply and have effect (that is to say):—

(1) The Corporation shall not under the powers of this Act acquire from the company any part of the land numbered 45 on the deposited plans for the parish of Hartington Upper Quarter and numbered 79 on the deposited plans for the parish of Fernilee and forming part of the site of the dismantled High Peak Railway of the company but the Corporation shall be entitled to take and the company shall grant subject to any existing tenancies and agreements or licences of or in respect of the said land or any part thereof a temporary easement or right of

A.D. 1930.

using for transport purposes in the construction and maintenance of the waterworks by this Part of this Act authorised such part of the said land numbered as aforesaid as lies between the point where the limit of deviation shown on the said plans crosses the said land numbered 45 above Bunsal Farm and the point where the said land numbered 79 is crossed by the stream known as the Wythen Lache near the point marked "M" on the said plans The Corporation shall pay to the company during the continuance of such easement or right the annual sum of ten pounds Such easement or right shall be terminable by the company giving twelve months' notice thereof in writing to the Corporation but such notice shall only be given if and when the company reasonably require to resume occupation of the said land During the continuance of the said easement or right the Corporation shall maintain and uphold the said laid and the existing property of the company thereon to the reasonable satisfaction of the company and at the termination of the said easement or right the Corporation shall restore the said land to its former condition to the like satisfaction :

(2) Any question or difference between the Corporation and the company arising under this section shall be referred to the arbitration of an engineer to be agreed upon between the Corporation and the company or failing agreement to be appointed by the President of the Institution of Civil Engineers and subject thereto the Arbitration Act 1889 shall apply to such arbitration.

Power to provide water tanks under streets.

38.—(1) The Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes construct place fix and maintain in or under any street within the borough and with the consent of the local and road authority any street outside the borough which is within the water limits of the Corporation tanks or other receptacles for water for use by the users of mechanically propelled vehicles with all necessary or convenient apparatus and appliances

(including covers or boxes and pillars or standpipes projecting above the level of the surface of the street) for taking or using water from such tanks or receptacles.

(2) The Corporation may make and recover such charges as they may think fit for any water so taken or used and make regulations as to the taking or use of such water and the issuing of permits for such taking or use and the mode of payment of the charges of the Corporation therefor.

(3) If any person shall take or use any water from any such tank or receptacle as aforesaid without being duly authorised so to do by the Corporation he shall be deemed to have committed an offence under section 20 (Penalty for use of water without agreement) of the Waterworks Clauses Act 1863.

(4) The Corporation may attach to any lamp-post pole or standard or other similar erection erected on or in any street under or near to which any such tank or other receptacle is constructed or placed signs or directions indicating the position of such tank or other receptacle and the means by which water may be obtained from the same and may in any such street as aforesaid erect place fix and maintain posts or poles for carrying such signs or directions:

Provided that—

(*a*) the Corporation shall not erect place fix or maintain any such posts or poles in any part of the highway without the consent of the local and road authority;

(*b*) in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing to the owner of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to the lamp-post pole standard or similar erection by the attachment and the Corporation shall indemnify the owner against any claim for damage occasioned to any person or property by or by reason of the attachment;

(*c*) the Corporation shall not attach any signs or directions to any post pole or standard

A.D. 1930.

belonging to the Postmaster-General except with his consent in writing;

(*d*) nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(5) The Corporation shall not under the powers of this section construct or place any such tank or receptacle or any appliances in connection therewith or any posts or poles on any county bridge or the approaches thereto or on any bridge or the approaches thereto carrying any street or road over the railway of any railway company or under any bridge carrying any such railway over any street or road or within ten feet of any abutment of such bridge or so as to interfere with or render less convenient the access to or exit from any station or depot of such company nor shall the Corporation attach any signs or directions to any lamp-post standard or similar erection belonging to a railway company except with the consent of such railway company.

(6) The Corporation shall not attach any such sign or direction to any guide or road sign-post direction arm or similar erection provided or maintained by the county council of the administrative county of Chester without the consent of such council in writing.

As to rates for supplies of water for domestic purposes.

39. Notwithstanding anything to the contrary contained in any previous enactment the rates charged by the Corporation for the supply of water for domestic purposes within the water limits of the Corporation shall be such rates as together with the charges made from time to time for water supplied by meter and for other purposes are sufficient to enable the water undertaking to be carried on without loss after providing an annual contribution of one half of one per centum on the capital expenditure up to the thirty-first day of March of the preceding year to the reserve fund of the water undertaking until such fund amounts to the maximum for the time being prescribed therefor Provided that such rates shall not exceed the maximum rates for the supply of water for domestic purposes within the water limits of the Corporation as set out in section 31 (Rate at which water is to be supplied for domestic purposes) of the Act of 1861 as amended by section 37 (Definition of annual

rack rent or value &c.) of the Act of 1899 as increased by any order of the Minister made in pursuance of the Stockport Order 1920. A.D. 1930.

Amendment of section 78 of Act of 1899.

40. Notwithstanding anything contained in paragraph (Seventhly) of section 78 (Application of water revenue) of the Act of 1899 the Corporation shall not apply any of the revenue from the water undertaking in making good to the general rate fund any deficiency in the revenues and receipts of the Corporation on account of the water undertaking which may at any time prior to the passing of this Act have been provided out of the general district rate or district fund.

Dates for payment of water rates.

41. Notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the Corporation may demand all rates rents and charges payable to them for the supply of water by half-yearly instalments in advance on the first day of April and the first day of October in each year:

Provided that such rates rents and charges shall not be recoverable until the expiration of two months from the said first day of April and the first day of October respectively.

Charges for hose-pipes and refrigerating apparatus.

42.—(1) Where water supplied for domestic purposes is used for horses or washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first Any sums chargeable under this subsection shall be paid quarterly in advance and be in addition to the rates for the time being authorised for the supply of water for domestic purposes and shall be recoverable in all respects with and in the same manner as the said rates.

(2) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or washing carriages or motor cars or for other

A.D. 1930. purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of any such hose-pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(3) Where a person who takes a supply of water from the Corporation for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

(i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter; or

(ii) be paid for on such other terms as may be agreed between such person and the Corporation:

Provided that if the person is taking a supply of water from the Corporation for domestic purposes only the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings.

Corporation to connect communication pipes with mains.

43. Notwithstanding anything contained in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipes therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) any work and supply all fittings and materials which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Penalty for closing

44. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut

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

valves and apparatus.

Penalty for opening valves &c.

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

Works to form part of water undertaking.

46. Subject to the provisions of this Act the waterworks to be constructed by the Corporation under the authority of this Part of this Act shall for all purposes be deemed to be part of the water undertaking.

Cisterns.

47. The Corporation may require that dwelling-houses erected after the passing of this Act at a higher level than fifty feet below the service reservoir or tank from which they are supplied shall be provided with cisterns holding forty-eight hours' supply and the Corporation shall not be bound to supply such houses until such cisterns are provided.

PART III.

NEW ROAD.

Power to construct new road.

48. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described together with all necessary or proper works and conveniences connected therewith or incidental or ancillary thereto.

A.D. 1930.

The works hereinbefore referred to and authorised by this Part of this Act will be situated in the borough and are—

A new road supported on a bridge over and above and following the course of the river Mersey commencing on the north-easterly side of Mersey Bridge and terminating on the south-westerly side of Lancashire Bridge.

Limits of deviation for new road.

49. In constructing the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards.

Power to make subsidiary works.

50.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Part of this Act may execute or do any of the following works or things (namely) :—

(*a*) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Part of this Act or any of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works or otherwise;

(*b*) Raise lower or alter any step window spout vault arch cellar or area under or adjoining any roadway or footway but so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

(*c*) Construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;

(*d*) Stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Part of this Act;

(*e*) Execute any works for the protection of any adjoining land or buildings;

(*f*) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and

(*g*) Raise lower alter divert stop up or otherwise interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that nothing in this Part of this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

(3) Provided that the Corporation shall not raise lower alter divert or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the said Act.

Underpinning of houses near works.

51. Whereas in order to avoid in the execution and maintenance of works authorised by this Part of this Act injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

A.D. 1930

(2) Each such notice if given by the Corporation shall be served in manner prescribed by this Act and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the Corporation:

(3) If any owner lessee or occupier of any such house or building or the Corporation (as the case may require) shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference:

(4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by the Corporation or such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:

(5) The Corporation shall be liable to compensate the owner lessee and occupier of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section:

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been

done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owner lessee and occupier of such house or building for such injury provided the claim for compensation in respect thereof be made by such owner within twelve months and by such lessee or occupier within six months from the discovery thereof:

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate any owner lessee or occupier under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

(8) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Temporary stoppage of streets.

52.—(1) The Corporation during the execution and for the purposes of any works authorised by this Part of this Act may break up and also temporarily stop up divert and interfere with any street or road and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or returning from any house in the street or road from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house.

(3) The Corporation shall also provide reasonable access for foot passengers and vehicular traffic bonâ fide going to or from any railway station or depôt of any railway company or railway committee.

PART IV.

LANDS.

Power to acquire lands.

53. Subject to the provisions and for the purposes of this Act the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference for the purpose of constructing the works authorised by this Act including the improvement and development of frontages

A.D. 1930.

or of the lands abutting on or adjacent to the new road and any of the street works authorised by this Act.

Power to acquire further lands for water undertaking.

54. Subject to the provisions of this Act the Corporation may enter on take and use the lands in the urban district of Denton hereinafter described and delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

A piece or parcel of land containing 1 acre 2 roods and 26 perches or thereabouts having a frontage to Windmill Lane of 97 feet measured in a westerly direction from the centre of Denton Brook and 212 feet measured in an easterly direction from the centre of the said brook and extending from the extreme westerly point of the said frontage in a northerly direction for a distance of 232 feet thence in an easterly direction for a distance of 203 feet and thence in a southerly direction to the extreme easterly point of the frontage for a distance of 324 feet :

Provided always that any water discharged from any waterwork constructed on the above-mentioned land shall so far as may be reasonably practicable be free from mud or solid or polluting or offensive matter.

Acquisition of easements.

55. Notwithstanding anything contained in this Act—

(1) The provisions of section 5 (Power to acquire easements only for aqueducts) of the Act of 1901 shall apply to and in respect of the easements and rights in lands which the Corporation may require for the purposes of or in connection with the aqueducts conduits or lines of pipes authorised by Part II (Waterworks and water supply) of this Act :

(2) The Corporation may purchase and acquire an easement or right of constructing maintaining and using in accordance with the provisions of this Act the new road authorised by Part III (New road) of this Act in and over the bed channel and banks of the river Mersey without the Corporation being obliged or compellable to purchase any greater interest in or over the same respectively and they may

give notice to treat in respect of any such easement or right describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easement or right as fully as if the same were lands within the meaning of those Acts.

As to private rights of way over lands taken compulsorily.

56. All private rights of way over lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Period for compulsory purchase of lands.

57. The powers of the Corporation for the compulsory purchase of lands under this Act shall as regards the lands required for and in connection with the purposes of the waterworks authorised by this Act cease after the expiration of three years from the thirty-first day of October nineteen hundred and thirty and shall as regards the lands required for and in connection with the new road authorised by this Act cease after the expiration of five years from the said date.

Correction of errors in deposited plans and book of reference.

58. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county in which the lands therein referred to are situate and a duplicate thereof shall also be deposited with the town clerk or the clerk to the urban district or parish council of the district or parish in which such lands are situate and such certificate and duplicate

A.D. 1930.

respectively shall be kept by such clerk of the peace and town clerk or clerk to the urban district or parish council respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be correct according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Provisions as to new buildings and interests.

59. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the fourteenth day of November nineteen hundred and twenty-nine if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

Benefits to be set off against compensation.

60. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any new street or the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Power to enter upon property for survey and valuation.

61. The Corporation and their respective surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punish-

ment on account of entering or continuing upon any part of the said lands and buildings.

Application of road materials excavated in construction of road works.

62. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by Part III of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Owners may be required to sell parts only of certain premises.

63.—(1) Whereas in the construction of the works authorised by this Act or the execution of the purposes for which lands may be acquired compulsorily under the powers of this Act or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(*a*) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of such owners or persons are hereafter in this section included in the term "the owner" and the said properties are hereafter in this section referred to as "the scheduled properties";

(*b*) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

A.D. 1930.

(*c*) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;

(*d*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

(*e*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

(*f*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon

they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

(*g*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

Power to reinstate owners of property.

64. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the street works authorised by this Act with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power to develop lands.

65.—(1) The Corporation may lay out and develop any lands acquired by them under the powers of this Act for the purposes of Part III (New road) of this Act and not required for those purposes and (with the consent of the Minister) any other lands belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses

A.D. 1930.

shops offices warehouses and other buildings and construct and maintain such approaches watercourses sewers drains rails sidings and other works and conveniences as may be convenient for and in connection with the development of such lands or the erection of any such buildings and may construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses buildings works or conveniences upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey or lease the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any of the lands to which this section applies at a price or rent or for a consideration of a value less than the current market value of such lands but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(5) Nothing in this section shall be taken to dispense with the consent of the Board of Education to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Further powers for acquisition of land.

66.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any

of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the Minister.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(*b*) in such other manner as may be approved by the Minister.

Dwelling-houses for persons in Corporation's employment.

67.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

A.D. 1930.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Retention sale and disposal of land.

68.—(1) Notwithstanding anything in any other Act or Acts or otherwise to the contrary the Corporation may retain hold and use for such time and for such purposes as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Act 1925) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

(2) The Corporation shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any such lands or interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(3) Nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

(4) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any persons from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents

covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Application of capital moneys on disposal of lands.

69. So long as any lands remain to be acquired by the Corporation under the authority of this Act the Corporation may so far as they consider necessary apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister:

Provided that—

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

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

Land laid into streets to form part thereof.

70. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired

PART V.

FINANCIAL AND MISCELLANEOUS.

Power to the Corporation to borrow.

71.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the

A.D. 1930.

respective sums mentioned in the second column of the said table and in order to secure the repayment of the said sums and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation and the Corporation shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (namely) :—

(1) Purpose.	(2) Amount.	(3) Period for repayment.
(*a*) For and in connection with the purchase of lands and easements for the waterworks authorised by this Act.	£40,000	Sixty years from the date or dates of borrowing.
(*b*) For the construction of the said waterworks.	£951,586	
(*c*) For the payment out of capital of interest on money borrowed for purposes (*a*) and (*b*) mentioned in this subsection until the completion of the Fernilee reservoir or the expiration of ten years from the date or dates of borrowing whichever be the earlier.	Such sum as may be requisite	
(*d*) For and in connection with the purchase of lands and easements for the new road by this Act authorised.	£25,000	Sixty years from the date or dates of borrowing.
(*e*) For the construction of the said new road.	£185,000	Fifty years from the date or dates of borrowing.
(*f*) For paying the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

(2) (*a*) The Corporation may also with the consent of the Minister borrow such further money as may be necessary for or in connection with any purpose of the water undertaking or for any of the other purposes of this Act with the consent of the Minister the Minister of Transport or the Electricity Commissioners as the case may require.

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

(*c*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the

Minister or commissioners with whose consent it is borrowed. A.D. 1930.

Mode of payment off of money borrowed.

72. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them Provided that it shall not be obligatory on the Corporation to commence the repayment (by sinking fund or otherwise) of any moneys borrowed for the purposes (*a*) and (*b*) mentioned in subsection (1) of the section of this Act whereof the marginal note is "Power to the Corporation to borrow" until the completion of the work for or in connection with which the money is borrowed or the expiration of fifteen years from the date or dates of borrowing the money whichever shall be the earlier.

Power to re-borrow.

73.—(1) The Corporation shall have power—

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

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

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

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

A.D. 1930.

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

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

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

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

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

(5) Section 70 (Power to re-borrow) of the Act of 1899 is hereby repealed.

Consolidated loans fund.

74.—(1) Notwithstanding anything contained in the Public Health Acts Amendment Act 1890 or in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-one the Corporation may (if they think fit) establish a fund to be called " the consolidated loans fund " to which shall be paid as and when they are received—

(*a*) all moneys borrowed by the Corporation whether by issue of stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;

(*c*) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt; and

(*d*) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys

borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(*a*) in the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and

(*c*) in the payment of dividends and interest on the stock mortgages or other securities issued in the exercise of any statutory borrowing power of the Corporation and remaining outstanding:

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) Subject to any priority existing at the passing of this Act all stock of and loans to the Corporation and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

A.D. 1930.

Use of moneys forming part of sinking and other funds.

75. Notwithstanding anything contained in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve insurance or superannuation fund (in this section referred to as " the lending fund ") subject to the following conditions :—

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

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

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

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

A.D. 1930.

Investment of and payments into sinking fund.

76. When under the provisions of this Act or of any other Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund or redemption fund the following provisions shall have effect with respect to the appropriate yearly sums and to the accumulations thereof (if any) required to be set apart for or paid into such sinking fund or redemption fund for the purpose of providing for the repayment of moneys borrowed by the Corporation (that is to say):—

(1) The Corporation may (in addition to any other powers for the time being invested in them) invest the said yearly sums and accumulations in statutory securities:

(2) The said yearly sums and accumulations shall be paid and provided out of the general rate fund and general rate and any interest dividends and annual proceeds arising from the investment thereof or of any moneys standing to the credit of any sinking or redemption fund as aforesaid at or after the passing of this Act shall be paid into and form part of the general rate fund.

Application of revenue and payment of expenses of certain undertakings.

77. Subject to the provisions of the section of this Act the marginal note of which is "Application of Electricity (Supply) Act 1926 and other enactments" and notwithstanding anything contained in any previous enactment—

(*a*) All money received by the Corporation on account of the revenue of any undertaking for the time being of the Corporation from which revenue is derived shall be carried to and shall form part of the general rate fund and all payments and expenses made and incurred in respect of those undertakings shall be paid out of that fund;

(*b*) Any moneys which the Corporation are required or authorised to pay or apply or may in the future be required or authorised to pay or apply under the following enactments (namely):—

Section 52 (Application of revenue) of the Stockport Electric Lighting Order 1891;

A.D. 1930.

Section 78 (Application of water revenue) of the Act of 1899;

Section 54 (Separate accounts in respect of gas undertaking) of the Stockport Gas Order 1929; and

Paragraph (*c*) of this section;

shall for the purposes of paragraph (*a*) of this section be deemed to be payments and expenses made and incurred in respect of the undertaking to which the said enactments respectively relate;

(*c*) Any income arising from any renewals fund depreciation fund contingent fund reserve fund or insurance or other similar fund shall be from time to time paid into the general rate fund and any contributions due to any such fund as aforesaid shall be paid out of the general rate fund;

(*d*) The Corporation may (if they think fit) apply money received by them on account of the revenue of any of the undertakings referred to in paragraph (*a*) of this section in the provision of funds for working capital for such undertaking.

Application of Electricity (Supply) Act 1926 and other enactments.

78. Nothing contained in this Act shall be deemed to authorise the Corporation to apply or dispose of the surplus revenue of—

(*a*) their electricity undertaking otherwise than in accordance with the provisions of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926;

(*b*) their water undertaking otherwise than in accordance with the provisions of section 78 of the Act of 1899; and

(*c*) their gas undertaking otherwise than in accordance with the provisions of section 55 (As to surplus on revenue account) of the Stockport Gas Order 1929.

Separate accounts to be kept.

79.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or

division in respect of each of the following undertakings (that is to say):—

(1) their water undertaking;
(2) their gas undertaking;
(3) their electricity undertaking;
(4) their tramway undertaking;
(5) their omnibus undertaking;
(6) their markets undertaking;

(each of which is in this section separately referred to as "the undertaking") on the one side all receipts (including the interest on any reserve fund authorised in connection therewith) in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

(*a*) The working and establishment expenses and cost of maintenance of the undertaking;
(*b*) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
(*c*) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
(*d*) All other expenses (if any) of the undertaking properly chargeable to revenue;
(*e*) The amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

A.D. 1930.

Reserve funds.

80.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of each of the following undertakings (namely) :—

(*a*) their tramway undertaking;

(*b*) their omnibus undertaking;

(*c*) their markets undertaking;

by setting aside in any year such an amount as they may think reasonable (not exceeding in the case of their tramway undertaking a sum equal to one-fifth of the aggregate capital for the time being expended by the Corporation upon that undertaking and not exceeding in the case of their markets undertaking the sum of twenty thousand pounds) and unless the amounts so set aside are applied under the provisions of the section of this Act of which the marginal note is " Use of moneys forming part of sinking and other funds " may invest the same and the resulting income thereof in statutory securities and may accumulate the same at compound interest until the funds so formed amount in the case of each of the said undertakings to the maximum reserve fund for the time being prescribed by the Corporation in respect of the undertaking.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

A.D. 1930.

Return to Minister with respect to repayment of debt.

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

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

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

(4) Any provision (other than the foregoing provisions of this section) of any enactment now in force in the borough requiring an annual return to be made to the Minister with regard to the repayment of debt is hereby repealed.

Application of provisions of local Acts.

82. The following sections of the following Acts are incorporated with this Act and shall apply as if the

A.D. 1930.

same with the necessary modifications were set out in this Act (namely) :—

The Act of 1899—

Section 65 (Provisions as to mortgages);

Section 68 (Sinking fund) Provided that the said section shall be read and have effect as if the words " three " pounds ten shillings per centum " per annum or such other rate as " the Minister may approve " were inserted in subsection (1) (*b*) of that section instead of the words " three pounds per centum per annum " Provided further that the said section shall not apply to moneys borrowed by the issue of stock;

Section 71 (Application of borrowed moneys);

Section 72 (Protection of lenders from inquiry);

Section 73 (Mode of raising money);

Section 74 (Saving for existing charges);

Section 75 (Application of moneys from sale &c. of lands);

Section 77 (Corporation not to regard trusts); and

Section 80 (Audit of accounts).

The Stockport Corporation Act 1899—

Section 122 (Expenses of execution of Act);

Section 125 (Authentication and service of notices &c.);

Section 129 (Powers of Act cumulative);

Section 134 (Compensation how to be determined);

Section 137 (Penalties to be paid over to the treasurer); and

Section 138 (Damages and charges to be settled by justices).

The Act of 1901—

Section 11 (Persons under disability may grant easements &c.);

Section 12 (Power to hold lands and exercise powers for protection of water and waterworks);

Section 56 (Saving rights of Duchy of Lancaster); and

Section 57 (Authentication and service of notices).

The Act of 1905—

Section 56 (Incorporation of section 265 of Public Health Act);

Section 58 (Saving for indictments);

Section 61 (Recovery of penalties &c.); and

Section 62 (Crown rights).

Repeal.

83. The following sections of the following Acts are hereby repealed (that is to say):—

The Act of 1861—

Section 36 (Regulations may be made for preventing waste of water &c.);

Section 42 (Powers to company for ascertaining quantity consumed by meter); and

Section 48 (Liability to rates not to disqualify justices).

The Act of 1901—

Section 59 (Recovery of demands under fifty pounds).

Recovery of demands.

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

Judges not disqualified.

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

A.D. 1930.

Inquiries by Minister.

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

(2) The Corporation shall pay to the Minister any expenses incurred by him in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister not exceeding five guineas a day for the services of such inspector.

Costs of Act.

87. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

The SCHEDULE referred to in the foregoing Act.

LIST OF PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.

Area.	Number on deposited plans.
Parish of Chapel-en-le-Frith -	14.
Parish of Fernilee - - -	178.
Rural district of Disley - -	6 13.
Urban district of Yeardsley-cum-Whaley - - - - - -	3.
County borough of Stockport -	3 4 5 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23 24 25 26 27 27*a* 29 30 31 32 33 34 35 36 37 38 39.

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

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.